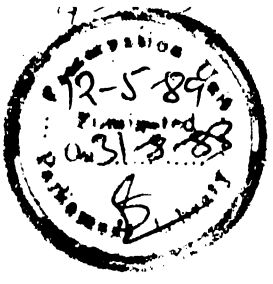


PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME IX, 1951

(7th August to 21st September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

CONTENTS

Volume IX—From 7th August to 21st September, 1951.

	Columns
Tuesday, 7th August, 1951.—	
Member Sworn	1
Oral Answers to Questions	1—27
Written Answers to Questions	27—46
Wednesday, 8th August, 1951—	
Oral Answers to Questions	47—73
Written Answers to Questions	73—92
Thursday, 9th August, 1951—	
Oral Answers to Questions	93—125
Written Answers to Questions	125—154
Friday, 10th August, 1951—	
Oral Answers to Questions	155—183
Written Answers to Questions	183—206
Monday, 13th August, 1951—	
Oral Answers to Questions	207—235
Written Answers to Questions	235—258
Tuesday, 14th August, 1951—	
Oral Answers to Questions	259—293
Written Answers to Questions	293—308
Thursday, 16th August, 1951—	
Oral Answers to Questions	309—338
Written Answers to Questions	338—342
Friday, 17th August, 1951—	
Oral Answers to Questions	343—372
Written Answers to Questions	372—388
Saturday, 18th August, 1951—	
Oral Answers to Questions	389—420
Written Answers to Questions	420—428
Monday, 20th August, 1951—	
Oral Answers to Questions	429—457
Written Answers to Questions	457—472
Tuesday, 21st August, 1951—	
Oral Answers to Questions	473—503
Written Answers to Questions	503—518
Wednesday, 22nd August, 1951—	
Oral Answers to Questions	519—545
Written Answers to Questions	545—566
Thursday, 23rd August, 1951—	
Oral Answers to Questions	567—595
Written Answers to Questions	595—612
Saturday, 25th August, 1951—	
Oral Answers to Questions	613—641
Written Answers to Questions	641—652

	Columns
Monday, 27th August, 1951—	
Oral Answers to Questions	653—684
Written Answers to Questions	684—702
Tuesday, 28th August, 1951—	
Oral Answers to Questions	703—734
Written Answers to Questions	734—742
Wednesday, 29th August, 1951—	
Oral Answers to Questions	743—774
Written Answers to Questions	775—786
Thursday, 30th August, 1951—	
Oral Answers to Questions	787—818
Written Answers to Questions	818—830
Friday, 31st August, 1951—	
Oral Answers to Questions	831—870
Written Answers to Questions	870—876
Monday, 3rd September, 1951—	
Oral Answers to Questions	877—909
Written Answers to Questions	909—932
Tuesday, 4th September, 1951—	
Oral Answers to Questions	933—967
Written Answers to Questions	967—986
Wednesday, 5th September, 1951—	
Oral Answers to Questions	987—1014
Written Answers to Questions	1014—1036
Thursday, 6th September, 1951—	
Oral Answers to Questions	1037—1065
Written Answers to Questions	1065—1074
Friday, 7th September, 1951—	
Oral Answers to Questions	1075—1104
Written Answers to Questions	1104—1120
Monday, 10th September, 1951—	
Oral Answers to Questions	1121—1154
Written Answers to Questions	1154—1164
Tuesday, 11th September, 1951—	
Oral Answers to Questions	1165—1201
Written Answers to Questions	1201—1208
Wednesday, 12th September, 1951—	
Oral Answers to Questions	1209—1256
Written Answers to Questions	1256—1274
Friday, 14th September, 1951—	
Oral Answers to Questions	1275—1309
Written Answers to Questions	1309—1324
Saturday, 15th September, 1951—	
Oral Answers to Questions	1325—1355
Written Answers to Questions	1356—1364

	Columns
Monday, 17th September, 1951—	
Oral Answers to Questions	1365—1400
Statement by Deputy Minister of Defence in Connection with Starred Question No. 747 of 4th September, 1951 re Control Committee on Cantonments	1400—1401
Written Answers to Questions	1401—1414
Tuesday, 18th September, 1951—	
Oral Answers to Questions	1415—1445
Written Answers to Questions	1445—1470
Wednesday, 19th September, 1951—	
Oral Answers to Questions	1471—1500
Written Answers to Questions	1500—1512
Thursday, 20th September, 1951—	
Oral Answers to Questions	1513—1543
Written Answers to Questions	1543—1548
Friday, 21st September, 1951—	
Oral Answers to Questions	1549—1580
Written Answers to Questions	1580—1594

CORRIGENDA

In the Parliamentary Debates (Part 1—Questions and Answers) Fourth Session of Parliament,—1951,

In Volume IX,—

1. No. 7, dated the 16th August, 1951,—

कालम ३३०, पंक्ति १०, "क्या माननीत कृपा" के स्थान पर "क्या माननीय मंत्री जी कृपा" पढ़ें ।

2. No. 8, dated the 17th August, 1951,—

(i) Col. 376, line 14 from bottom *for* "and" *read* "any".

(ii) Col. 380, *delete* the existing line 13 and between lines 15 and 16 *insert* new line "subject. The Central Tractor Organisation".

(iii) Col. 381, *for* the existing line 18 from bottom *substitute* the new line "ture (Shri K. M. Munshi): (a) It is".

3. No. 12, dated the 22nd August, 1951,—

کالم ۵۳۰، آخیر سے سطر ۱۴ ,, آخر ,, کی بجائے ,, آفر ,, پڑھیں ۔

4. No. 13, dated the 23rd August, 1951,—

(i) कालम ६०२, पंक्ति १८ "निपति" के स्थान पर "नियति" पढ़ें ।

(ii) Col. 612 *for* the existing line 4 from bottom *read* "July-December, 1951—January-June".

5. No. 16, dated the 28th August, 1951,—

(i) Col. 723, line 12 for the figures "-14,86" *read* " 14,86".

(ii) Col. 727, line 8 *for* the figures "88,87" *read* "88,872".

6. No. 19, dated the 31st August, 1951,—

कालम ८५०, पंक्ति ४ "मंशी" के स्थान पर "मन्त्री" और नीचे से पंक्ति १७ "और के खिलाफ़" के स्थान पर "और उस के खिलाफ़" पढ़ें ।

7. No. 20, dated the 3rd September, 1951,—

कालम ८९१ नीचे से पंक्ति ४, "उपया" के स्थान पर " रुपया" पढ़ें

8. No. 22, dated the 5th September, 1951,—,

Col. 1014, line 15 *for* the figures "36,00,000" *read* "35,00,000".

9. No. 24, dated the 7th September, 1951,—

(i) Col. 1115, line 8 *for* the words "Laid on the Table" *read* "House".

(ii) Col. 1116, line 25 from bottom *for* "word" *read* "work".

(iii) Col. 1119, transpose the existing lines 7 and 15.

10. No. 29, dated the 15th September, 1951,—

(i) Col. 1327 from bottom line 6 *for* "Teteorotogical" *read* "Meteorological"., and line 7 *for* "in 3 : 2" *read* "is 3·03".

(ii) Col. 1336, line 2 from bottom *for* "convering" *read* "covering".

(iii) Col. 1343, line 7 from bottom *for* "by" *read* "to".

11. No. 30, dated the 17th September, 1951,—

Col. 1400, line 11 from bottom *for* "RECON-" *read* "Re. CON-".

12. No. 31, dated the 18th September, 1951,—

Col. 1434, line 15 *for* "miles" *read* "mills".

13. No. 32, dated the 19th September, 1951,—

(i) Col. 1505, between existing lines 23 and 24 from bottom *insert* new line "being found with money is not".

(ii) Col. 1510, line 13 from bottom *for* "July, 1951" *read* "1st July, 1951".

The Speaker

The Honourable Shri G. V. Mavalankar.

The Deputy-Speaker

Shri M. Ananthasayanam Ayyangar.

Panel of Chairmen

Pandit Thakur Das Bhargava.

Shrimati G. Durgabai.

Shri Prabhu Dayal Himatsingka.

Sardar Hukam Singh.

Shri Manilal Chaturbhai Shah.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

Assistants of the Secretary

Shri A. J. M. Atkinson.

Shri. N. C. Nandi.

Shri D. N. Majumdar.

Shri C. V. Narayana Rao.

GOVERNMENT OF INDIA

Members of the Cabinet

Prime Minister and Minister of External Affairs—The Honourable Shri Jawaharlal Nehru.

Minister of Education—The Honourable Maulana Abul Kalam Azad.

Minister of Home Affairs—The Honourable Shri C. Rajagopalachari.

Minister of Defence—The Honourable Sardar Baldev Singh.

Minister of Labour—The Honourable Shri Jagjivan Ram.

Minister of Health—The Honourable Rajkumari Amrit Kaur.

Minister of Law—The Honourable Dr. B. R. Ambedkar.

Minister of Works, Production and Supply—The Honourable Shri N. V. Gadgil.

Minister of States, Transport and Railways—The Honourable Shri N. Gopalaswami Ayyangar.

Minister of Commerce and Industry —The Honourable Shri Hare Krushna Mahtab.

Minister of Food and Agriculture—The Honourable Shri K. M. Munshi.

Minister of Natural Resources and Scientific Research—The Honourable Shri Sri Prakasa.

Minister of Finance—The Honourable Shri Chintaman Dwarkanath Deshmukh.

Ministers not in the Cabinet

Minister for the purposes of agreement between the Prime Ministers of India and Pakistan of the 8th April, 1950—The Honourable Shri C. C. Biswas.

Minister of State for Transport and Railways —The Honourable Shri K. Santhanam.

Minister of State for Information and Broadcasting—The Honourable Shri R. R. Diwakar

Minister of State for Parliamentary Affairs—The Honourable Shri Satyanarayan Sinha.

Minister of State for Rehabilitation—The Honourable Shri Ajit Prasad Jain.

Minister of State for Finance—The Honourable Shri Mahabir Tyagi.

Deputy Minister of External Affairs—Dr. B. V. Keskar.

Deputy Minister of Commerce and Industry—Shri Dattatraya Parashuram Karmarkar.

Deputy Minister of Defence—Major General Himatsinhji.

Deputy Minister of Works, Production and Supply—Shri S. N. Buragohain.

Deputy Minister of Food and Agriculture—Shri M. Thiramala Rao.

Deputy Minister of Communications—Shri Raj Bahadur.

GIPD—US—235-PSD—18-12-52—450.

THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

PARLIAMENT OF INDIA

Wednesday, 12th September, 1951

The House met at Half Past Eight of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

MINESWEEPER *Flotilla*

*962. **Shri Sidhva:** Will the Minister of **Defence** be pleased to state:

(a) whether a minesweeper flotilla has been formed by the Indian Navy;

(b) if so, what is the composition of the flotilla; and

(c) whether these ships have been converted from ordinary ships or they have been newly purchased?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Yes.

(b) and (c). It is not in the public interest to go into the details of organisation.

Shri Sidhva: Information regarding this matter has been flashed by news agencies long ago. May I know what are the points which the hon. Minister thinks it is not in the public interest to disclose? I only wanted certain information in pursuance of the information conveyed by the news agencies.

Mr. Deputy-Speaker: Yes, regarding part (a) of the question as to whether minesweeper flotilla has been formed by the Indian Navy, the answer has been given as 'Yes.'

Shri Sidhva: But I wanted to know whether ordinary ships were converted for this purpose or whether ships were newly purchased. All these details, with names of the steamers appeared in newspapers. If that is not in the public interest, how could this information appear in the newspapers?

Major-General Himatsinhji: As there is complete freedom of the press in the country, the information might have appeared in newspapers. If the hon. Member wants any more details, I am unable to give it for the reason I have stated. I would, however, like to inform the House that the Minesweeper flotilla has been formed according to the pre-arranged ten year Naval plan for the building up of a balanced force in the Indian Navy. I regret I am unable to give any more details.

Shri Sidhva: May I know whether the hon. Minister takes care to see that this sort of information does not leak out from his Department and go to the newspapers? This was flashed out as far back as June-July.

Major-General Himatsinhji: It is not a question of anything leaking out. If the flotilla is formed, the ships are there in Bombay and they normally take part in naval exercises and some newspapermen who are very alert would learn that there is such a flotilla.

Shri Amolakh Chand: What is the purpose of this minesweeper flotilla?

Major-General Himatsinhji: They are multi-purpose ships. I regret I am not prepared to say how they are working.

GRANTS TO POLITICAL SUFFERERS

*964. **Shri Jnani Ram:** Will the Minister of **Home Affairs** be pleased to state:

(a) the amount of subsidies, lump sum grants, pensions and other kinds of aids given by the Centre to the political sufferers in the years 1949, 1950 and 1951; and

(b) the number of persons benefited by it?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). I place on the Table of the House a

Statement showing the nature of concessions granted by the Government of India to political sufferers.

It is regretted that information regarding the number of persons who availed of these concessions or the actual quantum of help rendered is not available. Collection of this information will require a reference to a very large number of offices under the Government of India, and will take a good deal of time, and I do not think it can possibly be ready for this session.

STATEMENT

Nature of concessions granted to political sufferers by Government of India

The Central Government have issued orders for granting concessions in matters of employment etc. to political sufferers who were Central Government employees to the following effect:

(a) Pensionary benefits—

(i) The ex-Central Government employees are eligible for the grant, with retrospective effect, from the date of the termination of their appointments, of such pension or gratuity as would have been admissible to them on those dates had they been retired from service on grounds of ill-health.

(ii) Civil pensioners whose pensions were forfeited because of their association with the national movements shall have their pensions restored with retrospective effect from the respective dates of their forfeiture.

(iii) Such of the ex-Central Government employees who cannot be considered for the concession at (i) above, on the ground that they held temporary appointments on the dates of termination of their appointments are eligible for the grant of gratuity at the rate of half a month's pay for each completed year of service.

(b) Re-employment facilities—

The ex-Central Government employees are eligible for re-employment in the posts or grades from which they were removed in relaxation of the age-limits. On re-employment, the earlier service shall count as qualifying service for pension, fixation of pay, seniority, leave etc.

The following concessions have been extended to political sufferers in general in matters of employment in Central Government services:

(i) Preferential treatment in the matter of their appointments to posts and services under the Government, other things being equal.

(ii) Grant of age-concession to enable such of the political sufferers who were prevented from appearing in a competitive examination due to their political activities to appear in those competitive examinations. This concession will expire on the 31st December, 1951.

Shri Jnani Ram: Sir, in para (ii) of part (b) of the answer it is stated that the grant of age-concession to enable such of the political sufferers who were prevented from appearing in a competitive examination will expire on the 31st of December, 1951. Is it proposed to extend this period beyond the 31st of December, 1951?

Shri Rajagopalachari: I won't be able to say 'Yes' now.

Shri Jnani Ram: Does the Central Government give any aid or concession to the different States for giving facilities to the political sufferers?

Shri Rajagopalachari: The concessions that are described in the Statement I have given are issued on instructions by the Central Government. I do not exactly understand what direct concession we could give. I have stated all the concessions given, in the Statement.

Mr. Deputy-Speaker: As a matter of fact there is the pensionary benefit mentioned in (i), for the Central Government employees.

Shri Rajagopalachari: Yes, there are quite a number of them.

Shri A. Joseph: May I know if any grant or pension is given to the political sufferers in the Centrally Administered Areas and if so what is the method of paying these amounts?

Shri Rajagopalachari: I have already stated as much as can be stated or as much as there is to be stated, in the Statement I have placed on the Table of the House. I would like the hon. Member to read it through. There is no question of grant of pension and so on except in special cases which are referred to.

Shri Amolakh Chand: May I know whether the State Governments have granted pensions and subsidies to political sufferers in the various States and whether this fact has been taken into consideration by the Central Government when granting their pensions or subsidies, and whether there are cases where there have been repetitions, that is to say, where the payments are made both by the State Government and the Central Government?

Shri Rajagopalachari: If any concession drawn has been repeated, I would like those matters to be brought to my notice.

Shri T. N. Singh: May I know whether Government have given any compensation or grants to political sufferers of the 1942 movement in cases where their property and other things were damaged or lost, at least in the Centrally Administered Areas?

Shri Rajagopalachari: That is a suggestion which may be taken into account by the appropriate Government. Whatever has been done, I have stated in the Statement.

Shri T. N. Singh: Is it not a fact that such a demand has been made several times in the past on behalf of political sufferers?

Shri Rajagopalachari: There are many reasons, why we cannot set right all that has happened in the last century or decade. There are many limitations to our capacity to make such restorations and make the position as if nothing had happened before. These are our difficulties; but we have tried to do all we can. If we try to do more, we will find ourselves in a mess afterwards, because we cannot do it for everybody, and once you do it for some, you should do it for everyone; but our financial limitations are there. We cannot undo the past decade's work altogether.

Dr. Ram Subhag Singh: Are the dependents of ex-Central Government employees discharged for political activities and now dead and who cannot, therefore apply for any pension, given any aid or grant now by the Government?

Shri Rajagopalachari: Sir, I can repeat what I have given in the Statement.

> "The ex-Central Government employees are eligible for the grant, with retrospective effect, from the date of the termination of their appointments, of such pension or gratuity as would have been admissible to them on those dates had they been retired from service on grounds of ill-health."

I wish the Statement may be read, Sir.

Shri A. C. Guha: When it is the policy of the Govermnent to grant pension to ex-army men, *i.e.* those who worked against the war policy of the party now forming the present Government why are not grants and pensions given to political sufferers who fought for the freedom of the country under the leadership of the party?

Shri Rajagopalachari: There are many things which I would like to re-write, from the year 1,500 onwards, if it were possible.

Kaka Bhagwant Roy: Is there a consolidated list of political sufferers prepared by the Centre?

Shri Rajagopalachari: I don't think we have a list; but I have found somewhere certain attempts made in certain States to make lists and there a large number of deserving as well as undeserving people have got into the list.

Seth Govind Das: Is it not a fact that certain things were done without any discrimination for those who fought in the war which we had boycotted and under those circumstances are Government not contemplating to adopt the same policy for the persons who took part in the freedom movement?

Shri Rajagopalachari: There is no question of discrimination. If we make a list of people who were employed as captains, soldiers, clerks or assistants that would be a concrete list where we can do something without any discrimination. But suppose a man had written an article in the newspapers for freedom, another man has gone to prison for two days, a third man lost his properties but never went to prison, a fourth man was running a *charkha* and was asked not to go to prison, as he was doing constructive work—these are items for lists which cannot specifically be written down.

Seth Govind Das: Have Government asked for any list from the organisations which had waged the freedom battle?

Shri Rajagopalachari: The organisations too have no such lists. They could never have any very complete lists, because it was a mass movement

as we called it ourselves. There can be no question of such lists, for suppose I went to prison and my son did not but was looking after the home. Has he not suffered in his own way? In this manner the entire nation has suffered in the movement. Mr Deputy-Speaker, I do not think we need further argue the matter.

Shri Sondhi: Charity begins at home.

Shri Dwivedi: Is the hon. Minister in a position to state which of the State Governments have so far given any financial aid to the political sufferers or are taking steps to do so?

Shri Rajagopalachari: I would be making an invidious distinction if I stated what I knew, for there are many things which I do not know. For instance I know that the Madras Government has distributed land to a number of people who had gone to prison or otherwise suffered in the national movement and there have been many complaints from people who had previously been in unauthorised possession of the lands earning a meagre livelihood out of them. All these were brought to my notice and therefore I know about them. But I do not know about the other States.

U.N.E.S.C.O.—TWELVE YEAR PLAN

*965. **Shri Jnani Ram:** Will the Minister of **Education** be pleased to state:

(a) if in the last general conference of the U.N.E.S.C.O. a Twelve Year Plan for the establishment of Regional Fundamental Educational Centre in India was envisaged;

(b) if so, the cost of the same; and

(c) the contribution which the U.N.E.S.C.O. will give?

منسٹر آف ایجوکیشن (مولانا آزاد) : (اے) ہاں -

[(بی) اور (سی)]- اگر انڈیا میں ایسا سنٹر کھولا گیا تو اندازہ لگایا گیا ہے کہ ۱۲ برس کے اندر گورنمنٹ آف انڈیا کے حصہ میں ۱۸۲۰۰۰۰۰ روپیہ خرچ پڑے گا - اور یونیسکو کے حصہ میں ۲۷۶۰۳۲۵ ڈالر یعنی ۱۳۱۱۱۵۴۳ روپیہ -

[The Minister of Education (Maulana Azad): (a) Yes. The Government have not yet come to a decision about requesting U.N.E.S.C.O. to locate the Centre in India.

(b) and (c). According to tentative estimates, the total cost of an ordinary Centre to the Government of India over a period of 12 years will be about Rs. 1,82,00,000 and to U.N.E.S.C.O. $27,60,325 (Rs. 1,31,11,543).]

श्री ज्ञानी राम : क्या मैं यह जान सकता हूं कि ऐसे रीजनल फण्डामेण्टल एजुकेशन सेण्टर के हिन्दुस्तान में बनाने की कोई योजना बनाई गई है ?

[Shri Jnani Ram: May I know whether a plan for the establishment in India of any such Regional Fundamental Education Centre has been drawn up?]

مولانا آزاد : گورنمنٹ ابھی اس پر سوچ وچار کر رہی ہے -

[Maulana Azad: The matter is still under consideration of the Government.]

श्री आर० एस० तिवारी : क्या माननीय शिक्षा मन्त्री यह बतलाने की कृपा करेंगे कि इस में भारतीय ही नौकर रक्खे जायेंगे या और बाहर के लोग भी ?

[Shri R. S. Tewari: Will the hon. Minister kindly state whether Indians alone will be recruited to posts in the said Centre or persons other than Indians will also be eligible for employment?]

مولانا آزاد : یہ اسکیم تو یہ خیال کر کے بنائی گئی ہے کہ جس جگہ یہ سنٹر کھولا جائے گا وہاں کچھ باہر کے اسپیشلسٹ آئینگے لیکن باقی جتنا وہاں کا اسٹاف ہو گا اور جتنا کام کیا جائے گا وہ اسی ملک کے آدمیوں کو ساتھ لے کر کیا جائے گا -

[Maulana Azad: A few foreign specialists will be employed in the Centre wherever it may be opened. As for the rest of the staff and the work, it shall be manned by Indians and will be executed with their co-operation.]

डा० राम सुभाग सिंह : इस रीजनल फण्डामेण्टल एजुकेशन सेण्टर का क्या काम होगा ? यह यहां पर शिक्षा का प्रचार करने के लिये होगा या रिसर्च करने के लिये ?

[**Dr. Ram Subhag Singh:** What will be the functions of this Regional Fundamental Education Centre? Will it be established here with the object of propagation of literacy or with a view to conduct research work?]

مولانا آزاد : یونیسکو نے فنڈامنٹل ایجوکیشن ٹھیک اسی معنی میں بولا ہے جس مطلب کے لئے ہم نے سوشل ایجوکیشن کا لفظ استعمال کیا ہے - یعنی انپڑھ آدمیوں کو نہ صرف لکھنا پڑھنا سکھا دینا بلکہ کچھ اور ایسی دماغی تعلیم بھی دیدینی جس سے انکی سمجھ بوجھ کا اسٹینڈرڈ اونچا ہو جائے -

[**Maulana Azad:** U.N.E.S.C.O. attaches exactly the same meaning to the word 'Fundamental Education' as we attach in India to the word 'Social Education', *i.e.* not only to make the illiterate literate, but also to impart such intellectual instruction as to raise their general standard of commonsense.]

डा० राम सुभाग सिंह : गवर्नमेण्ट आफ़ इण्डिया की ओर से १२ वर्ष में मंत्री जी ने कहा कि १,८२,००,००० रुपये के खर्च का अनुमान है, तो इतने दिनों में कितने अनपढ़ लोगों को पढ़ाने का अन्दाज़ा किया गया है ?

[**Dr. Ram Subhag Singh:** According to the hon. Minister the centre in question is expected to cost Rs. 1,82,00,900 to the Government in the next twelve years. How many persons are expected to be made literate in that period?]

مولانا آزاد : آنریبل ممبر نے شائد میرے جواب پر دھیان نہیں دیا ہے- اسکیم یونیسکو کے سالانہ جلسہ نے منظور کر لی ہے - اب یونیسکو جس ملک میں سنٹر کھولے گا اس ملک کی گورنمنٹ سے اس کا ایگریمنٹ ہوگا - اب تک کوئی ایگریمنٹ گورنمنٹ آف انڈیا اور یونیسکو میں نہیں ہوا ہے - بات چیت چل رہی ہے - اگر انڈیا میں سنٹر کھولا گیا تو ۱۲ برس کے اندر پہلے کر اتنا خرچ ہوگا جو جواب میں بتلایا گیا ہے - مطلب اس اسکیم کا یہ ہے کہ ایسے اسپیشلسٹ ورکر تیار کئے جائیں جو اپنے اپنے سرکل میں جا کر اس کام کو چلائیں - اور اس طریقہ سے ۶ سنٹر یونیسکو دنیا کے مختلف حصوں میں کھولنا چاہتا ہے اور ۵۴۰۰ اسپیشلسٹ ورکر پیدا کرنا چاہتا ہے -

[**Maulana Azad:** Hon. Member has perhaps paid no attention to the reply given by me. This scheme has been voted at the annual session of U.N.E.S.C.O. It will enter into an agreement with the Government of the country where it may be decided to open such a Centre. No such agreement has so far been entered between this Government and U.N.E.S.C.O. Negotiations are proceeding and in case any centre is opened in India, it is expected to cost the amount stated in my reply after full expansion in 12 years. The underlying idea of the Scheme is to train specialist workers for undertaking this work in their respective circles after the completion of their training. U.N.E.S.C.O. wishes to open six such Centres in different parts of the world with the ultimate object of training 5,400 specialist workers.]

Loan from World Bank

***966. Shri Jnani Ram:** Will the Minister of **Finance** be pleased to state:

(a) the total amount of loan that has been secured up till June, 1951 for development schemes from World Bank and U. S. Export and Import Bank; and

(b) the amount out of the loans sent so far?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). India has so far obtained three loans amounting to $59·8 million from the International Bank for Reconstruction and Development. These are—

(i) Railway loan for the purchase of locomotives, boilers and spare parts amounting to $32·8 million which has been utilised in full;

(ii) land Reclamation loan for the purchase of agricultural machinery and spare parts amounting to $8·5 million of which $4·2 million has been drawn and utilised; and

(iii) loan for the Bokaro Thermal Project of the Damodar Valley Corporation amounting to $18·5 million of which only $6·1 million has so far been actually drawn.

The Export-Import Bank of Washington has not made any loan to India. I would, however, invite the attention of the hon. Member to the reply I gave to Starred Question No. 874 on the 7th September, 1951.

Shri Jnani Ram: May I know if the amount stated covers the grant for this particular year?

Shri C. D. Deshmukh: There is no question of grants: it is a loan given to us to be drawn as required.

सेठ गोविन्द दास : जिस काम के लिये क़र्ज़ लेने की व्यवस्था हुई है उस काम में अगर वह रुपया पूरा खर्च नहीं हो सकता तो क्या हम को इस बात का अधिकार है कि उस क़र्ज को हम किसी दूसरे काम में खर्च कर सकते हैं ?

[**Seth Govind Das**: May I know if the money not utilized in respect of any specific development scheme for which a loan may have been primarily secured would be utilized in respect of another scheme?]

श्री सी० डी० देशमुख : नहीं, वैसा अख्त्यार नहीं है ?

[**Shri C. D. Deshmukh**: No, this is not in the terms of the loan.]

Prof Ranga: Is it not a fact that these loans which have been granted for the purchase of tractors and also for financing of the purchase of railway materials were all applied for several years ago and granted two or three years ago and the only loan that really is of immediate interest for the development of this country is the $18 million loan for the Damodar Valley Project?

Shri C. D. Deshmukh: I did not catch the point of the question. Does the hon. Member require confirmation of his view from me?

Prof. Ranga: Yes.

Shri C. D. Deshmukh: That is a matter of opinion.

Prof. Ranga: Are there any pending applications for further loans and if so, for what projects?

Shri C. D. Deshmukh: I gave an answer the other day in regard to that, where I indicated the nature of the projects. I might say in regard to the previous question that they were all equally important purposes. The railway loan has enabled us to make some progress with the rehabilitation of the railways after the war and we attach considerable importance also to the agricultural machinery project.

Shri A. C. Guha: When the Government asked for loan from the World Bank and the World Bank sanctioned the loan for the Bokaro Thermal Project, did the Government apply for loans for the other items also, such as irrigation and dam work in connection with the Damodar Valley Project? If so, why did the World Bank sanction a loan for the Bokaro Thermal Project and not for the other items?

Shri C. D. Deshmukh: The only project that was ready then was the Bokaro Thermal Project and we had asked for a loan only for that project?

Shri A. C. Guha: Were no proposals made for the other items of the Damodar Valley Project?

Shri C. D. Deshmukh: They were not ready. Even now some of the final estimates are not ready.

Shri Jnani Ram: What percentage of the Bokaro Thermal Project loan has been spent so far?

Shri C. D. Deshmukh: 33 per cent.

Dr. Ram Subhag Singh: Is the loan granted by the U.S. Export-Import Bank to be spent only in the United States?

Shri C. D. Deshmukh: I explained the other day. The wheat loan only passes through the machinery of the Export-Import Bank and it stands on a footing by itself.

सेठ गोविन्द दास : क्या दामोदर [वैली प्रोजैक्ट के लिये और इसी प्रकार के दुसरे कामों के लिये कुछ और क़र्ज़ लेने की बातचीत चल रही है और अगर चल रही है तो वह कहां तक पहुंची है ?

[Seth Govind Das: Are any negotiations proceeding for securing additional loans for the implementation of the Damodar Valley Project or any other similar project, and if so, what stage have they reached?]

श्री सी० डी० देशमुख : फिल हाल तो किसी तरह की बातचीत नहीं चल रही है । इस की तफ़सील मैं ने परसों बतलाई थी ।

[Shri C. D. Deshmukh: For the time being, no such negotiations are proceeding. I gave the details in this respect day before yesterday.]

Shri Sarangdhar Das: May I know if the Bank has stopped purchase of any more tractors and implements on that agricultural machinery loan? If so, why?

Shri C. D. Deshmukh: Originally the agricultural loan was secured for the purchase of 375 heavy tractors and equipment for the reclamation of *kans* grass and jungle land. So far we have purchased 240 tractors. In view of the supply situation in the U.S.A. having become very tight we have dropped the idea of going in for the balance of 135 tractors and instead hope to achieve the total target of 3 million acres with 240 tractors equipped with what is called the "Towner Plough". This, I am told, is a kind of a disc plough with which we are carrying on experiments at the moment, and if these experiments are successful then the rest of the tractors we shall purchase will be "Towner Ploughs".

Shri Shiva Rao: May I ask whether the annual report on the expenditure of the funds on these various development schemes is submitted to the World Bank either for information or for scrutiny, and is there any financial control exercised by the World Bank after the loans have been granted to us?

Shri C. D. Deshmukh: That would require a very elaborate answer. All this is provided for in the agreements which we have with the World Bank. I should say there is no financial control in the strict sense of the word, but the Bank has laid down a procedure to secure that the funds are applied to the purpose for which they are granted.

Shri Sondhi: The hon. Minister just mentioned that 240 tractors have already been purchased. Is it not a fact that the Standing Finance Committee initially sanctioned only 12 units of 15 each? I would like to know what is the sanction regarding the four more units which the hon. Minister says he has bought?

Shri C. D. Deshmukh: That is a matter of record. I believe the proceedings of the Standing Finance Committee are available to Members.

Shri Sondhi: I am speaking from the records and therefore asking this question. Only 12 units have been sanctioned originally and beyond that nothing has been sanctioned to my knowledge.

Mr. Deputy-Speaker: In the face of the decision of the Standing Finance Committee why were more tractors purchased? That is the question put. But the main question sought to elicit information on the amount of loans etc.

Shri Sondhi: Now that you have said it, Sir, I can take it as asked.

Mr. Deputy-Speaker: Am I to put the question?

Shri Sondhi: No, Sir, but I would like to know what is the sanction?

Mr. Deputy-Speaker: Is the hon. Minister willing to answer that?

Shri C. D. Deshmukh: I am willing, but this is really a matter on which questions ought to be put to the Minister of Food and Agriculture.

Mr. Deputy-Speaker: But the House expects to know inasmuch as without the sanction of the Finance Minister no money can be spent how, in the face of the resolution of the Standing Finance Committee some more units were allowed to be purchased when the sanction was for a less amount. The question may arise or may not—it is for the hon. Minister to say that he cannot answer at the moment.

Shri C. D. Deshmukh: I cannot recall exactly what the records contain and in that case I would require notice.

RESEARCH AND REFERENCE DIVISION OF A.I.R.

*967. **Shri Raj Kanwar:** (a) Will the Minister of **Information and Broadcasting** be pleased to lay on the table of the House (i) a statement showing the work done by the Research and Reference Division of his Ministry during the period since its revival and (ii) a statement showing the work undertaken by this Division before it was wound up in 1946?

(b) What is the present composition and total strength of this Division and what was its total strength at the time it was wound up?

(c) What are the objectives and functions of this Division?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) and (b). Statements giving the information asked for by the hon. Member are placed on the Table of the House. [*See* Appendix VI, annexure No. 22.]

(c) The objects and functions of the Research and Reference Division are—

(1) To undertake basic resarch on matters of publicity.

(2) To produce guidance and background notes on current and other topics.

(3) To build up a compendium of knowledge on important subjects and to prepare publicity material for the use of various media units.

Shri Raj Kanwar: From the statement placed on the Table of the House it appears that until April, 1946 the strength of the Research and Reference Division of this Ministry consisted of 130 officers and subordinate staff, whereas in September, 1951, that is now, it is only 24. This shows that the scope of the work done by this Division.....

Mr. Deputy-Speaker: What is the question? The hon. Member is now entering into a discussion on this matter.

Shri Raj Kanwar: I am coming to my question, Sir.

Mr. Deputy-Speaker: No, I won't allow questions of such a long nature.

Shri Raj Kanwar: Do Government propose to expand the activities of the Research Division as they were until April, 1946?

Shri Diwakar: The target will not be April, 1946. It is, however, higher than what the unit consists of today, but its expansion will be subject to financial accommodation.

Shri Raj Kanwar: Are the Government aware that the present trend of all governmental action in well-governed countries is not to stint money on publicity and research?

Shri Diwakar: It is a matter of opinion.

Shri Kamath: With regard, Sir, to research in the art of publicity which the Minister said is among the objectives and functions of this Division, is any special research conducted about publicity with regard to the speeches and other activities of Ministers?

CULTURAL AGREEMENT WITH TURKEY

*968. **Shri S. N. Das:** Will the Minister of **Education** be pleased to state:

(a) whether any cultural agreement has been concluded by the Government of India with the Government of Turkey;

(b) if so, what are the terms of agreement; and

(c) whether any other Government has been approached for such an agreement?

منسٹر آف ایجوکیشن (مولانا آزاد) : [(اے) اور (بی)]—آنریبل میمبر میرا وہ جواب دیکھ لیں جو ۴ ستمبر کو میں نے سوال نمبری ۷۵۴ کا دیا تھا - (سی) ایک دوسرے ملک کے لئے بھی اس طرح کے کلچرل ایگریمنٹ کی تجویز سوچی جا رہی ہے -

[The Minister of Education (Maulana Azad): (a) and (b). The attention of the hon. Member is invited to the reply given to Starred Question No. 754 asked by Shri Jnani Ram on 4th September, 1951.

(c) Yes. The question of a cultural agreement between India and another country is under consideration.]

सेठ गोविन्द दास : वह दूसरा मुल्क कौन है जिस के साथ यह तजवीज़ की जा रही है ?

[**Seth Govind Das:** Which is this other country in relation to which a cultural agreement is being contemplated?]

مولانا آزاد - بیلجیئم -

[**Maulana Azad:** Belgium.]

RADIO SETS FROM U.N.E.S.C.O.

*969. **Shri S. C. Samanta:** Will the Minister of **Education** be pleased to state:

(a) how many radio sets have been received by the Government of India for use in connection with the spread of Adult Education from U.N.E.S.C.O. through U.N.A.C. Committee;

(b) how they have been used and distributed; and

(c) what is the approximate value of those sets?

منسٹر آف ایجوکیشن (مولانا آزاد): (اے) یونسکو نے نارویجین کمیٹی کے فنڈ سے ۱۰۵ ریڈیو سیٹ آفر کئے ہیں - لیکن وہ ابھی گورنمنٹ کو ملے نہیں ہیں -

(بی) پیدا نہیں ہوتا -

(سی) ۱۱۳۵۵ ڈالر -

[**The Minister of Education (Maulana Azad):** (a) 105 radio sets, which U.N.E.S.C.O has offered from the funds of Norwegian U.N.A.C. Committee, have not yet been received.

(b) Does not arise.

(c) $11,355.]

श्री ऐस० सी० सामन्त : क्या मैं माननीय मन्त्री जी से पूछ सकता हूं कि कब तक ये रेडियो सैट आने वाले हैं ?

[**Shri S. C. Samanta:** May I ask the hon. Minister when the radio sets in question are expected to be received?]

مولانا آزاد : نومبر تک امید ہے کہ پہنچ جائیں گے -

[**Maulana Azad:** They are expected here by November.]

श्री ऐस० सी० सामन्त : जब ये आ जायेंगे तो इनके डिस्ट्रिब्यूशन का क्या इन्तिजाम होगा ?

[**Shri S. C. Samanta:** What will be the basis for their distribution after they have been received?]

مولانا آزاد - یونسکو نے یہ شرط رکھی تھی کہ انہیں مختلف جگہوں میں بانٹا نہ جائے - بلکہ کسی ایک ایریا میں سب کو کام میں لگایا جائے - چونکہ گورنمنٹ آف انڈیا خاص طور پر دلی اور اجمیر میں سوشل ایجوکیشن کا تجربہ کر رہی ہے اس لئے یہ طے کیا گیا کہ دلی اور اجمیر میں لگائے جائیں -

[**Maulana Azad:** U.N.E.S.C.O. has laid down a condition that they should not be distributed over a number of areas but should be put to use in one particular area only. As the Government of India is experimenting its Social Education Scheme in Ajmer and Delhi in particular, it has been decided to use them in these two areas.]

श्री ऐस० सी० सामन्त : जब ये रेडियो सैट आ जायेंगे तो इनकी रिपेयर और लगातार खर्चा कौन वहन करेगा ।

[**Shri S. C. Samanta:** Who will have to bear the repair and recurring expenditure after the delivery of these radio sets?]

مولانا آزاد : ان کی قیمت ہمیں نہیں دینی ہے - یہ ۱۰۵ سیٹ یونسکو سے ہم کو مل جائیں گے البتہ ان کے لگانے کا تھوڑا بہت خرچہ ہو گا وہ گورنمنٹ برداشت کرے گی -

[**Maulana Azad**: We have not to pay any price for them We shall get 105 sets from U.N.E.S.C.O. The installation expenditure which is expected to be small will be met by the Government.]

श्री अमोलक चन्द : क्या मैं जान सकता हूं कि यह जो रेडियो सैट लगाये जायेंगे इनके लिये आल इण्डिया रेडियो से कोई खास प्रोग्राम ब्राडकास्ट किया जायगा ।

[**Shri Amolakh Chand**: May I know if special programmes will be broadcast by A.I.R. for these radio sets which are proposed to be installed?]

مولانا آزاد : نہیں یہ ہم کو تعلیم کے لئے دئے جا رہے ہیں - ان کا نام ہی ہے ایجوکیشنل ریڈیو سیٹس - یہ مختلف دیہاتوں کے اسکولوں میں لگائے جائیں گے اور جو تعلیم وہاں چل رہی ہے اس کے ساتھ ساتھ کام میں لائے جائیں گے -

[**Maulana Azad**: No, these sets are being supplied to us for the propagation of education, as their very name 'Educational Radio Sets' implies. They will be installed in different schools in rural areas. They are proposed to be used in supplementing the education being given in those schools.]

श्री जांगडे : क्या माननीय शिक्षा मन्त्री बतालयेंगे कि यह रेडियो सैट किस प्रान्तीय सरकार के गांवों में लगाये जायेंगे और क्या वह प्रान्तीय सरकार इनके खर्चे को बरदाश्त करेगी ?

[**Shri Jangde**: Will the hon. Minister please state the name of the State Government in whose rural areas these sets will be installed and whether that Government will have to bear all expenditure in this connection?]

مولانا آزاد : میں نے ابھی کہا ہے کہ یونسکو نے یہ شرط کر لی ہے کہ یہ کسی ایک ہی جگہہ لگائے جائیں- اور پہلے اُسے بتلایا جائے کہ کہاں لگائے جائیں گے- گورنمنٹ نے اس کو بتلایا ہے کہ یہ دلی اور اجمیر میں لگائے جائیں گے - سوال کا دوسرا حصہ پیدا نہیں ہوتا -

[**Maulana Azad**: I have just stated that all these sets will be installed at one place in view of the condition imposed by U.N.E.S.C.O. who want prior information as to the name of the place where they are proposed to be installed. Government have informed them that they will be installed in Delhi and Ajmer. The remaining part of the question does not arise.]

श्री सोहन लाल : क्या मैं यह जान सकता हूं कि यह जो सैट लगाये जायेंगे वह कितने दिनों तक एक जगह पर रखे जायेंगे ?

[**Shri Sohan Lal**: May I know for what length of time these sets will remain installed at one place?]

مولانا آزاد : اس بارے میں ہم نے ابھی کچھ فیصلہ نہیں کیا ہے ظاہر ہے کہ وہاں تعلیم کی جو اسکیم چل رہی ہے وہ کافی مدت تک چلے گی - اس لئے کافی مدت تک انکو وہاں لگایا جائے گا - پھر ایسا ہو سکتا ہے کہ وہاں سے ہٹا کر دوسری جگہہ بھی ان سے فائدہ اٹھایا جائے -

[**Maulana Azad**: We have taken no decision in this behalf yet. It is clear the educational scheme functioning in these areas will remain in force for a considerable time to come. The sets in question, therefore, are expected to operate there for a considerable time. It will be possible, thereafter, to remove them from there and then utilize them at another place.]

Training of Engineers

*972. **Shri Raj Kanwar:** Will the Minister of **Education** be pleased to state:

(a) the total number of qualified Engineers of different categories such as Civil, Mechanical, Electrical, Military etc.; available in the country; and

(b) the steps taken or proposed to be taken by Government to secure a substantial increase in their number during the next few years in order to meet the rapidly growing requirements of Engineering personnel in India?

منسٹر آف ایجوکیشن (مولانا آزاد): (اے) سائنٹیفک اور ٹکنیکل پرسنل کا ایک قومی رجسٹر تیار کیا گیا ہے - جن لوگوں نے اپنے نام رجسٹر کرائے وہ اسکے ذریعے معلوم کئے جا سکتے ہیں - اس رجسٹر سے معلوم ہوتا ہے کہ سیلیر انجینیرز کی تعداد چھ ہزار آٹھ سو تیرانوے ہے - اور جونیر کی چار ہزار تین سو نو - ایک اسٹیمیٹ منسٹ ہاوس کی ٹیبل پر رکھدیا گیا ہے - جس سے وہ ساری باتیں معلوم ہو جائیں گی جو سوال کے اس ٹکڑے میں پوچھی گئی ہیں -

(بی) پچھلے پانچ برسوں کے اندر گورنمنٹ نے اس بات کے لئے جو موثے موثے کام کئے ہیں وہ یہ ہیں -

(۱) انڈین انسٹی ٹیوٹ آف سائنس بنگلور کو گرانٹ ان ایڈ دی گئی تا کہ وہ پاور انجینیرنگ کا ایک ڈپارٹمنٹ قائم کرے اور ایک انجینیرنگ لیبوریٹری کھولے -

(۲) اسی طرح بنگلور انسٹی ٹیوٹ کے چار دوسرے ڈپارٹمنٹوں کو ترقی دی گئی اور انکا کام پھیلایا گیا -

(۳) ایسٹرن ہائر ٹکنیکل انسٹی ٹیوٹ کھڑگپور میں کھولا گیا - جسکی تعلیم پچھلے مہینے سے جاری ہو گئی ہے -

(۴) سات نون گورنمنٹ انجینیرنگ انسٹی ٹیوشنوں کو مدد دی گئی تا کہ وہ اپنی تعلیم کو زیادہ ترقی دے سکیں -

(۵) بمبئی میں میرین انجینیرنگ ٹریننگ کی ڈائرکٹریٹ قائم کی گئی - اور کلکتہ میں ایک ریزنیشل میرین انجینیرنگ کالج کھولا گیا -

(۶) انڈین سکول آف مائننگ اینڈ اپلائڈ جیالاجی دھنباد کو ری آرگنائزڈ کیا گیا - جس سے مائننگ انجینیری کی ٹریننگ کا کام اونچے درجے کا شروع ہو گا -

سنٹرل گورنمنٹ کے ان کاموں کے علاوہ اسٹیٹ گورنمنٹوں نے بھی انجینیری کی تعلیم کو پھیلانے اور آگے بڑھانے کے لئے کوششیں کی ہیں -

آل انڈیا کونسل فور ٹکنیکل ایجوکیشن نے ایک ٹکنیکل مین پاور کمیٹی بٹھائی ہے جو اس بات پر غور کر رہی ہے کہ آنے والے پانچ برسوں کے اندر گورنمنٹ کی مانگ کیا کیا ہو گی - جب اس کمیٹی کی رپورٹ گورنمنٹ کو ملیگی تو وہ فیصلہ کریگی کہ اور قدم کیا کیا اٹھانے چاہئیں -

[The Minister of Education (Maulana Azad): (a) A National Register of Scientific and Technical personnel available in the country is being compiled and the number of engineers who have voluntarily registered so far is 6843 in the senior category and 4309 in the junior category. A statement giving the number in each of the different branches is placed on the Table of the House.

(b) The following steps have been taken by the Central Government during the last five years:—

(1) Grants-in-aid to the Indian Institute of Science, Bangalore, for

(i) the establishment of a Department of Power Engineering and a High Voltage Engineering Laboratory;

(ii) improvement and expansion of the Departments of

(A) Metallurgy

(B) Internal Combusion Engineering

(C) Electrical Communication Engineering

(D) Aeronautical Engineering.

(2) Establishment of the Indian Institute of Technology at Kharagpur which has started functioning from August 1951.

(3) Grants-in-aid to seven selected non-government engineering institutions for their improvement and strengthening.

(4) Establishment of Directorate of Marine Engineering Training at Bombay and of a residential Marine Engineering College at Calcutta.

(5) Re-organization of the Indian School of Mines and Applied Geology, Dhanbad, resulting in expansion of facilities for the training of Mining Engineers.

In addition to the above, the State Governments have also launched on projects resulting in increased facilities for the training of engineers.

The all India Council for Technical Education set up by the Central Government to advise it on development of Higher Technical Education has appointed a Technical Manpower Committee to assess the needs of technical personnel during the next five years. Further steps are proposed to be taken on receipt of the report from this Committee.]

STATEMENT

The total number of qualified engineers etc. in the country.

Category	Senior	Junior
Civil Engineers	3032	1811
Electrical Engineers	858	716
Mechanical Engineers	978	923
Electrical & Mechanical Engineers	942	805
Chemical Engineers	261	54
Mining Engineers	124	..
Marine Engineers	57	..
Automobile Engineers	95	..
Aeronautical Engineers	103	..
Communication Engineers	393	..

श्री राजकंवर : क्या मैं माननीय शिक्षा मन्त्री जी से दरयाफ्त कर सकता हूं कि इंजीनियरों की तादाद बढ़ाने में जो काम गवर्नमेण्ट ने किया है उस पर कितना रुपया खर्च हो रहा है ?

[Shri Raj Kanwar: Will the hon. Minister please state the total expenditure being incurred by the Government towards securing an increase in the number of engineers of all categories?]

مولانا آزاد : میں یہ رقم ابھی نہیں بتلا سکوں گا ۔

[Maulana Azad: I am afraid, I will not be able to give that information just now.]

श्री राज कंवर : जितने इंजीनियर्स गवर्नमेण्ट को दरकार हैं वह कम से कम कितने अर्से में तैयार हो जायेंगे ?

[Shri Raj Kanwar: In what period do the Government expect to meet their total requirements in respect of engineers?]

مولانا آزاد : میں نے ابھی آپ سے کہا کہ آل انڈیا کونسل نے ایک مین پاور کمیٹی بٹھائی ہے وہ اس پر دھیان دے رہی ہے کہ آئندہ پانچ برسوں کے اندر گورنمنٹ کی اور مانگیں

کیا کیا ہونگی - اور اس چیز کو وہ کمیٹی سوچیگی اور اس کی رپورٹ آئے گی تو ہم اپنے سامنے اور روشنی پائیں گے -

[**Maulana Azad:** I have just stated that the All India Council for Technical Education has set up a Manpower Committee. It is closely examining the likely additional requirements of the Government during the next five years and on the receipt of its report we will have further light on the matter.]

श्री टी० एन० सिंह : इन ६००० सीनियर इंजिनियरों में से, क्या माननीय शिक्षा मन्त्री बतला सकते हैं, कि कितने बेकार हैं ?

[**Shri T. N. Singh:** Will the hon. Minister please state how many of these six thousand senior engineers are without employment at present?]

مولانا آزاد : نہیں یہ میں ابھی نہیں بتلا سکتا -

[**Maulana Azad:** I am unable to give that information just now.]

HEALTH SCHEMES OF W.H.O.

*973. **Shri S. N. Das:** Will the Minister of **Health** be pleased to state:

(a) the number and nature of health schemes that are in operation in various parts of India in which the W.H.O. is helping or contributing;

(b) the location of these schemes in various States; and

(c) what part of the expenditure incurred for these schemes is met by India?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) to (c). A statement is placed on the Table of the House. [*See* Appendix VI, annexure No. 23.]

Shri S. N. Das: From the statement it appears that these two Malaria Control Teams and V. D. Control Teams are going to finish their work by December 1951. May I know whether after that they will be sent to some other place or whether they will be disbanded?

Rajkumari Amrit Kaur: At the moment the position is that it was arranged that these teams should work for two years in these four areas. When that work is over, then further plans will have to be formulated and that will depend upon what the W.H.O. wants to do and what we want to do.

Shri S. N. Das: Is there any organisation here to co-ordinate and supervise the work of these teams?

Rajkumari Amrit Kaur: The State Governments are co-ordinating and seeing to the work of these teams in the respective areas.

Shri T. N. Singh: Is anything being done in Himachal Pradesh under this scheme?

Rajkumari Amrit Kaur: Not for Malaria, but there is a V. D. Team working there for the last 1½ years.

Shri S. N. Das: Does the statement include activities sanctioned for 1951-52?

Rajkumari Amrit Kaur: Yes, Sir. Several times I have laid statements giving complete details. On the 2nd June of this year I laid a full statement showing the details of the amounts provided for India by the W.H.O. in her budgets for 1949-50, 1950-51 and 1951-52. If hon. Members would like to have further detailed information, they can come to me and I can give them a long list of the work that the W.H.O. is doing and has done for India up to date.

Shri Kamath: Were, Sir, any new and fruitful schemes introduced in India during the period when the Minister was President of the W.H.O.?

Rajkumari Amrit Kaur: Yes, Sir. We have got a million dollars sanctioned to constitute an International Training Centre for Maternity and Child Welfare. We have pushed ahead tremendously with T. B. work. Then there is work in connection with Malaria and V. D. There is the prospect now of having a Penicillin Factory in Bombay and a D. D. T. Factory also there. All these schemes have been of very great value to India.

Shri Kamath: But were they sanctioned during her Presidentship of W.H.O.?

Thakur Krishna Singh: What is the work that has been done in the hill districts of U.P.?

Rajkumari Amrit Kaur: In U.P. the main scheme has been for the removal of Malaria in the Nepal terai area.

Kaka Bhagwant Roy: What is the number of foreign experts now working in India for the W.H.O.?

Rajkumari Amrit Kaur: I require notice for that.

DOUBLE TAXATION

*975. **Shri Alexander:** Will the Minister of **Finance** be pleased to state:

(a) the decisions arrived at, in the recent discussions between India and

the U.K. on the question of double taxation;

(b) whether it is a fact that the double taxation is partly responsible for holding back foreign investments in the country; and

(c) if so, the steps taken to remedy the same?

The Minister of State for Finance (Shri Tyagi): (a) The discussions have not yet reached a conclusive stage.

(b) No, Sir. Up to and including the assessment year 1948-49 the old arrangement for granting relief from double taxation was in operation, and consequently there was in effect no double taxation. For subsequent years, recovery of the tax payable by a person resident in India on his income accruing or arising in the U.K. (but not deemed to accrue or arise in India) has been held in abeyance, pending the conclusion of a Double Taxation Avoidance Agreement.

(c) Generally, to avoid double taxation, it has been decided to give relief unilaterally in India. For this purpose an amendment of Section 49D of the Income-tax Act has been included in the Income-tax (Amendment) Bill which would enable the assessee to get credit in his Indian assessment of the full Indian or the full foreign tax paid, whichever is the less, on the doubly taxed income. This unilateral relief will be available in respect of income accruing or arising in a country with which India has no arrangements for relief.

Shri Alexander: May I know whether any improvement in the investment from U.K. has been noticed because of these concessions granted to them?

The Minister of Finance (Shri C. D. Deshmukh): I do not think there has been any noticeable improvement. The figures continue to be small, but the point sought to be made that it inhibited or obstructed by the absence of double taxation relief is not correct.

Shri Sidhva: The hon. Minister stated that an amendment to the Income-tax Act is contemplated. Till that measure is passed, is Government likely to take any steps by executive order?

Shri Tyagi: In fact, we are hoping that an agreement may be arrived at with the United Kingdom in regard to relief in double taxation.

Shri Jnani Ram: When will this Amending Bill come before the House?

Shri Tyagi: I am afraid it will not be possible for us to put that Bill through this session.

Shri T. N. Singh: Is it not a fact that during the last Budget session when the Finance Bill was before the House it was stated by the hon. the Finance Minister that the amended provisions regarding taxation of foreigners will encourage investments in India of foreign capital? May I know what has been the result?

Shri Tyagi: As my hon. colleague has already stated, there is not much of an improvement.

Bodies Subordinate to Education Ministry

*976. **Shri S. N. Das:** Will the Minister of **Education** be pleased to state:

(a) the number and names of statutory and non-statutory bodies of permanent nature functioning under the direct administrative control of his Ministry giving the following information in each case:

(i) the year of their constitution;

(ii) the recurring annual expenditure incurred by them;

(iii) the provision for the audit of their accounts; and

(iv) the method of submission of the report of their activities;

(b) the number and names of such *ad hoc* committees as were appointed by the Ministry since the 15th of August 1947 and which have finished their work; and

(c) the number and names of *ad hoc* committees which are still functioning, giving the date of their appointment and the time by which they are expected to finish their work?

مسٹر آف ایجوکیشن (مولانا آزاد):
(اے - بی - اور سی) ایک اسٹیٹمنٹ
ہاؤس کی ٹیبل پر رکھ دیا گیا -

[See Appendix VI, annexure No. 24.]

[The Minister of Education (Maulana Azad): (a) to (c). Three statements giving the required information are placed on the Table of the House. (*See* Appendix VI, annexure No. 24.)]

श्री ऐस० ऐन० दास : सवाल के सी० हिस्से के जवाब में बताया गया है कि एक कमेटी बेसिक तालीम के पाठ्य क्रम के तैयार करने के लिये १५-८-४७ को क़ायम की गयी। क्या कारण है कि अभी तक उस कमेटी ने अपनी रिपोर्ट पेश नहीं की है ?

[**Shri S. N. Das:** In reply to Part (c) of the question it has been stated that a Committee was appointed on the Curriculum in Basic Education on 15th August 1947. May I know why this Committee has not been able to submit its report so far?]

مولانا آزاد : کس کام کیلئے کمیٹی کا آپ نے ذکر کیا ؟

[**Maulana Azad:** Which Committee is the hon. Member referring to?]

श्री ऐस० ऐन० दास : बेसिक तालीम के पाठ्य क्रम को तैयार करने के लिये ।

[**Shri S. N. Das:** I am referring to the Committee on the Curriculum in Basic Schools.]

مولانا آزاد : یہ کمیٹی اسلئے نہیں بٹھائی گئی تھی کہ کوئی خاص رپورٹ پیش کر دے - بلکہ اس کا کام برابر چلتا رہتا ہے اور ابھی کچھ دنوں تک چلتا رہیگا -

[**Maulana Azad:** The Committee was not set up with a view to submit any particular report. Its work is continuous and will last for another few days.]

श्री ऐस० ऐन० दास : क्या मैं जान सकता हूं कि अभी तक उस कमेटी ने बुनियादी तालीम के किसी हिस्से के लिये कोई पाठ्य क्रम तैयार किया है ?

[**Shri S. N. Das:** May I know whether the Committee has prepared any curriculum for any part of the basic education so far?]

مولانا آزاد : ہاں - بہت سی چیزیں تیار کی ہیں - میں ابھی ان کی لسٹ تو نہیں پیش کر سکتا - لیکن بہت سا کام کیا ہے -

[**Maulana Azad:** Yes, they have done lots of things. I cannot give their list offhand, but they have done a good deal of work.]

श्री ऐस० ऐन० दास : सवाल के उसी हिस्से के जवाब में बताया गया है कि जो प्राइवेट संस्थाएँ हैं उन के द्वारा जो डिग्रियां या डिप्लोमा दिये जाते हैं उनकी जांच करने के लिये एक कमेटी सितम्बर सन् १९५० में बिठाई गयी थी। यह तो कोई बड़ा काम नहीं था। लेकिन फिर भी उसकी रिपोर्ट अभी तक क्यों नहीं आई ?

[**Shri S. N. Das:** In reply to the same part of the question, a Committee to examine the standards of the degrees and diplomas awarded by the private educational institutions was appointed in September, 1950. That was not much of a task, why has then no report been received so far in this behalf also?]

مولانا آزاد : یہ کام بڑا ہو یا نہ ہو مگر اس کا پھیلاؤ بہت تھا - بہت سے پرائویٹ انسٹیٹیوشنس تھے - ان کی حالت کو دیکھنا تھا - ان کا اسٹینڈرڈ کیا رہا ہے انکی مالی حالت کیسی ہے ؟ پچھلے برسوں کے اندر جو تعلیمی نتیجے نکلے ہیں وہ کیا کہا ہیں ؟ یہ ایسا کام نہیں تھا کہ فوراً ہو جائے - بہر حال اس کمیٹی کا کام تقریباً ختم ہو چکا ہے - رپورٹ آ چکی ہے -

[**Maulana Azad:** The task may or may not be a big one but surely its range was vast for the very reason that the number of private institutions was very large. We had to study their condition in general and had to examine the standards maintained by them, their educational results in the past as also their general financial stability. We have also to consider the results shown by them during the past few years. This was not a task that could be accomplished immediately. In any case, the Committee has almost finished its work and its report has been received.]

Clearance of arrears of Income-tax

*977. **Dr. Ram Subhag Singh:** (a) Will the Minister of **Finance** be pleased to state whether the rationalization of assessment procedure recently announced by the Government of India has succeeded in any way in improving the clearance of arrears of income-tax?

(b) If so, what improvement has been made?

(c) Has improvement in the disposal of arrears also been affected by the Government's scheme of concessions to assessees in regard to payment of their outstanding dues?

The Minister of State for Finance (Shri Tyagi): (a) Yes, Sir.

(b) An idea of the improvement made can be had from the fact that the number of assessments in arrears on April 1st, 1951 was 5,75,213 out of which 1,85,652 has been cleared by the end of July. The numbers of arrear assessments completed during the first four months of the years 1950-51 and 1951-52 are as follows:

	1950-51	1951-52
April	27,555	30,176
May	31,129	41,001
June	31,373	54,134
July	27,207	60,341
Total	1,17,264	1,85,652

(c) As regards the collection of arrears of tax, the concessional scheme envisages payment by instalments upto 31st March, 1952, it is too early to judge the results of collections, but they are expected to be satisfactory.

Dr. Ram Subhag Singh: May I know, Sir, whether any time-limit has been fixed for the continuance of rationalisation of assessment?

Shri Tyagi: As I have said, the instalment system has been extended only up to the end of this year.

Shri Sondhi: What is the increase in the personnel which may have resulted in the increase in the liquidation of these arrears?

Shri Tyagi: We have been able to increase only about 60 income-tax officers this year and I believe with the present strength we shall be able to go a long way in the direction of clearance.

Shri Sondhi: I want to know the percentage of increase in the personnel which has resulted in the clearance of arrears?

Shri Tyagi: It will take me some time to calculate.

Thakur Krishna Singh: Was the disclosure of incomes part of the rationalisation scheme?

Shri Tyagi: Yes, Sir. Disclosure of incomes on which taxes were avoided was also part of the scheme and I am glad to inform the House that up till now disclosures to the tune of Rs. 5 crores and 84 lakhs have been made.

Shri Amolakh Chand: Were the disclosures made by the assessees voluntary or on account of some temptation made to them?

Shri Tyagi: The only temptation offered to them was that if they voluntarily came forward and made full disclosures they would not be penalised. The penalty was waived and that was quite a good temptation.

PORT BONINGTON IN ANDAMANS

*978. **Shri Amolakh Chand:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Port Bonington in Andaman Islands is to be rebuilt as a new modern port and to be re-named "Mayabunder";

(b) if so, what is the estimated cost; and

(c) by what time it is expected to be completed?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (c). Port Bonington has been renamed as 'Maya Bandar' with effect from 21st June, 1950. There is no proposal now to rebuild it as a modern port.

Shri Amolakh Chand: May I know if there is any other port which is likely to be made ultra modern in the near future?

Shri Rajagopalachari: I would like the question to be put to my colleague in charge of Ports. So far as Port Bonington or Maya Bandar is concerned, I have answered the question. Ultra modernisation of other ports is outside my portfolio.

Shri Kamath: Was this name 'Maya Bandar' chosen or hit upon by the Home Minister himself who is an ardent believer in or an apostle of Shankaracharya's *Mayavada*?

Mr. Deputy-Speaker: Next question.

Shri Rajagopalachari: So there is no opportunity to answer.

Mr. Deputy-Speaker: The whole world is a *maya*.

Shri Rajagopalachari: I would like to point out that there is no connection between *Mayavada* and 'Maya Bandar.'

REALISATION OF INCOME-TAX ARREARS

*979. **Shri Sidhva:** (a) Will the Minister of **Finance** be pleased to state how many cases have the Income-tax Investigation Commission verified and settled from 1st January 1951 up to date?

(b) How much money was recovered and was it all recovered in lump sum or in instalments?

(c) How many cases are pending for investigation?

(d) How many of the assessees who agreed to settlement have been paying their instalments regularly?

The Minister of State for Finance (Shri Tyagi): (a) The number of cases disposed of by the Commission from 1st January 1951 up to date is 184; out of these 161 cases were disposed of on settlement basis.

(b) The amount recovered during the above period is approximately 162 lakhs. The total tax recovered since the inception of the Commission is Rs. 252 lakhs. The major portion of this amount has been recovered in instalments.

(c) 989.

(d) All except in a few cases where small extension of time has been given.

Shri Sidhva: May I know whether during this period any new cases have been sent to this Commission?

Shri Tyagi: No, Sir; new cases could not be sent to the Commission because law does not permit it.

Shri Sidhva: Am I to understand that till all the pending cases are disposed of new cases will not be sent to the Commission?

Mr. Deputy-Speaker: There is no provision in the Act to send new cases.

Shri Sidhva: Within what period are the remaining cases likely to be disposed of?

Shri Tyagi: I may inform the House that there are a number of cases the investigation of which has been almost completed but it is very difficult for me at this stage to say when they would be able to clear off the whole arrears.

Shri Sondhi: What is the maximum period given to anybody for paying the instalments?

Shri Tyagi: These instalments are mostly given to those cases which are settled by mutual agreement and it always depends upon the capacity of the assessee to pay and the manner in which he has made the disclosure.

Shri Sondhi: I want to know what is the maximum period given, whether it is two years, five years or ten years, because a big businessman has been reported to have been given ten years.

Shri Tyagi: There was no maximum limit. Every case varies in the period of instalments, but after looking into all the cases I can say what is the biggest period given.

Shri Sondhi: Is it within the knowledge of the hon. Minister that in a certain case as much as ten years' time has been given to a big industrialist for the payment of a crore and a quarter?

Shri Tyagi: In such matters, when a case gets settled through the Income-tax Investigation Commission—it is more or less a judicial body,—it is mostly by agreement and therefore we have little chance to interfere.

Shri Jnani Ram: May I know if there are firms and individuals who have not been traced so far by the Commission and, if so, their numbers?

Shri Tyagi: The firms at large are not assessed by the Investigation Commission.

Mr. Deputy-Speaker: He need not give an answer to it. There are still certain things to be investigated by the Commission. They are looking into them.

Seth Govind Das: Sir, I am not putting question No. 982 but only 983.

मथुरा तथा वृन्दावन के मन्दिर

*९८३ **सेठ गोविन्द दास :** क्या शिक्षा मन्त्री यह बतलाने की कृपा करेंगे कि सरकार द्वारा कुछ समय पूर्व मथुरा तथा वृन्दावन के मन्दिरों के जीर्णोद्धार करने की घोषणा के अनुसार उक्त कार्य कब प्रारम्भ किया जाने वाला है ?

TEMPLES OF MATHURA AND VRINDABAN

[*983. **Seth Govind Das:** Will the Minister of **Education** be pleased to state when Government propose to undertake the repairs of temples of Mathura and Vrindaban as was announced some time back?]

منسٹر آف ایجوکیشن (مولانا آزاد) : جہاں تک گورنمنٹ معلوم کر سکی ہے اس طرح کا کوئی ڈاونسمنٹ نہیں کیا گیا - متھرا میں کوئی مندر ایسا نہیں ہے جو گورنمنٹ آف انڈیا کی طرف سے پروٹیکٹیڈ ٹھہرایا گیا ہو -

اس لئے وہاں کے مندروں کی مرمت کا سوال پیدا نہیں ہوتا - ہاں ورنداہن میں پانچ ایسے مندر ہیں اور ہر برس ان کی دیکھ بھال کی جاتی ہے - اور جیسی کچھہ حالت ہو اس کے مطابق مرمت بھی کی جاتی ہے -

[**The Minister of Education (Maulana Azad)**: As far as the Government are aware no such announcement as referred to by the hon. Member has been made.

There is at present no temple at Mathura 'protected' by the Government and hence the question of repair cannot arise.

There are, however, five protected temples in Vrindaban and according to the needs annual repairs are carried out to them.]

सेठ गोविंद दास: जहां तक वृन्दावन के पांच मन्दिरों का सवाल है क्या माननीय मन्त्री जी को यह मालूम है कि वहां पर गोविन्ददेव जी का मन्दिर सब से पुराना है और उस की हालत इस समय बहुत अच्छी नहीं है ?

[**Seth Govind Das**: So far as the five temples in Vrindaban are concerned, is the hon. Minister aware that the temple known as Govind Devji's Temple is the oldest amongst them and that its condition is none too good at present?]

مولانا آزاد : اس کی مرمت کا کام شروع ہو رہا ہے -

[**Maulana Azad**: Its repair work is being undertaken.]

सेठ गोविंद दास: गोविन्ददेव जी के मन्दिर के सिवा और बाक़ी जो चार मन्दिर वृन्दावन में हैं उन में से भी क्या माननीय मन्त्री जी को यह मालूम है कि कुछ मन्दिरों की हालत अच्छी नहीं है ?

[**Seth Govind Das**: Apart from the Temple of Govind Devji, is the hon. Minister aware that some of the remaining four temples also are not in a good condition?]

مولانا آزاد : میں نے اس بارے میں آرکیالاجیکل ڈپارٹمنٹ سے دریافت کیا تھا - جو رپورٹ مجھے ملی ہے اس سے معلوم نہیں ہوتا کہ ان کی حفاظت نہیں ہو رہی ہے - تاہم میں اس بارے میں اور زیادہ تحقیقات کرونگا -

[**Maulana Azad**: I had asked for information from the Archaeological Department on the matter. From the report I have received, it does not transpire that they are not being protected. I will, however, make further enquiries in this behalf.]

सेठ गोविंद दास: वृन्दावन के मन्दिरों के सिवा और इस प्रकार के मन्दिर या दुसरी धार्मिक इमारतें कहां कहां हैं जिन पर गवर्नमेण्ट ने अब तक रुपया खर्च किया है ?

[**Seth Govind Das**: Apart from the Vrindaban temples, what are the places where similar temples and shrines exist on which the Government have spent any money?]

Mr. Deputy-Speaker: That is beyond the scope of this question.

सेठ गोविन्द दास: ऐसी हालत में जब कि मेरे पास इस प्रकार की सूचना है कि दूसरी जगह बहुत रुपया खर्च किया गया है तो उस के मुक़ाबले में जो वृन्दावन के मन्दिर हैं उन पर कितने रुपये खर्च करने का बजट है ?

[**Seth Govind Das**: In view of the information that I possess to the effect that considerable money has been spent on some other shrines, what budgetary provisions have been made for these Vrindaban temples in comparison to those shrines?]

مولانا آزاد : جتنی جگہیں گورنمنٹ نے ایسی اناؤنس کر دی ہیں - جن کی حفاظت ہونی چاہیئے - ہر سال ان کی دیکھ بھال ہوتی ہے اور جس جگہہ

کھلائے جتلی مرمت کی ضرورت ہوتی ہے اتنا خرچ کیا جاتا ہے- جہاں تک ورنداہن ان پانچ مندروں کا تعلق ہے ، ہر سال کے ان کی بھی دیکھ بھال ہوتی آئی ہے- کچھ دن ہوئے مجھ سے چند دوستوں نے اس مندر کا ذکر کیا تھا جس کا آنریبل ممبر نے ابھی نام لیا ہے - میں نے ڈائریکٹر کو لکھا کہ اس بارے میں رپورٹ دی جائے - رپورٹ آئی - اور میں نے ڈائریکشن دے چکا ہوں کہ اس کی مزید مرمت کا کام فوراً شروع کیا جائے- اگر اور کسی مندر کے بارے میں بھی اس طرح کی معلومات آئینگی تو پوری کوشش کی جائے گی -

[**Maulana Azad**: All buildings etc. which have been declared by the Government as 'protected' are looked after every year and the required expenditure is incurred on their repairs. So far as these five temples in Vrindaban are concerned, they have also been looked after every year in the past. A few days back some hon. friends had a talk with me about the particular temple which the hon. Member has just mentioned. I asked for a report from the Director. A report was received and I have already issued directions for undertaking its further repair work immediately. If similar information is received regarding any other temple, full efforts will be made to improve its condition.]

श्री ब्रजेश्वर प्रसाद: इस वृन्दावन के मन्दिर के इर्द गिर्द गोपियों के बसाने का कोई इन्तजाम किया जा रहा है ?

[**Shri Brajeshwar Prasad**: Are some steps being taken to settle any *Gopis* in the neighbourhood of that temple in Vrindaban?]

مولانا آزاد : آنریبل ممبر شاید بہتر طریقے پر یہ انجام دے سکیں -

[**Maulana Azad**: The hon. Member might perhaps be in a better position to accomplish that task.]

सरदार बी० एस० मान: यह जो वृन्दावन के पांच मन्दिर हैं क्या यह आरकियालाजिकल डिपार्टमेण्ट के नीचे हैं ? अगर हैं, तो इन की आमदनी किस को जाती है, गवर्नमेण्ट को या वहां के पुजारियों को ?

[**Sardar B. S. Man**: Are these five temples in Vrindaban under the supervision of the Archaeological Department? If so, who receives the income of these temples? Do the Government receive it or the 'Pujaris'?]

مولانا آزاد : جہاں تک میں سمجھتا ہوں یہ ایسے مندر نہیں ہیں جن میں برابر پوجا پاٹھ ہوتا ہو - یہ اس لئے محفوظ رکھے گئے ہیں کہ پرانی عمارت ہیں اور ان میں کوئی خاص خوبی ہے جہاں تک میں سمجھتا ہوں یہ آباد مندر نہیں ہیں-اگر ہیں تو ان کی آمدنی کا تعلق ڈپارٹمنٹ سے نہیں ہے -

[**Maulana Azad**: So far as my information goes, they are not such temples where 'Puja Path' is performed regularly. They have been declared 'protected' because they are buildings of historical importance and have some special characteristics. So far as I think, they are not the type of temples, that are under proper occupation, and even if they are, the Department has nothing to do with their income.]

Shri Sonavane: May I know whether there is any proposal before Government to add to the already existing temples at Vrindaban?

Mr. Deputy-Speaker: It does not arise out of the question.

Television Radio Sets

***984. Shri Amolakh Chand**: Will the Minister of **Information and Broadcasting** be pleased to refer to the reply given to starred question No. 1193 asked on the 29th March 1950 and state:

(a) whether television Radio sets have now been imported and installed in India;

(b) if so, what is the number of sets installed; and

(c) whether the Government of India have organised a demonstration of television show in connection with the International Film Festival at Bombay?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) and (b). All types of radio sets are classified as wireless receiving sets for purposes of import and issue of licences. No separate information is available regarding the import of television sets.

(c) It is hoped that it will be possible to arrange a demonstration of television during the forthcoming International Film Festival at Bombay.

Shri Amolakh Chand: May I know if the hon. Minister is aware that there is not a single television radio set in India?

Shri Diwakar: Even if it is there, it has no programmes to listen to or to see, because the range of a television transmitter is only fifty miles and there is no television transmitting station or studio in India.

Shri Amolakh Chand: Do Government propose to have television broadcasts from India in the near future?

Shri Diwakar: It is just now a very costly affair. It has been investigated, and there is no definite or concrete proposal before the Government to that effect.

Shri Dwivedi: May I know if the demonstration of television will be given only at Bombay or at other stations also wherever the Film Festival is going?

Shri Diwakar: In the first instance at Bombay. Other matters are under consideration.

I.A.S. AND OTHER ALLIED SERVICES

*985. **Seth Govind Das**: (a) Will the Minister of **Home Affairs** be pleased to state whether Government are aware of the uneasiness among the candidates for I.A.S. and other Central Services Examination which has been voiced by the Press of the country in the leading articles published in "The Hindu" dated the 12th May, 1951, 'The Times of India' dated the 17th May, 1951 and 'The Hindustan Times' dated the 4th June, 1951, etc.?

(b) Is it a fact that in a number of cases those who secured the highest marks in the written test were awarded the lowest marks in the *viva voce*?

(c) Are Government aware that a large number of candidates who secured as many as 70 per cent or even more marks in the *viva voce* test in 1947 were not even awarded the minimum qualifying marks (35 per cent) in the written test?

(d) What measures do Government propose to take to give relief to those who have suffered as a result of the *viva voce* tests?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Government have seen the Press comments referred to and it may be taken for granted some candidates are uneasy.

(b) There were a few cases in which candidates securing high marks in the written test were awarded less than the minimum qualifying marks at the *viva voce* test. There is nothing in this for surprise as all the candidates who score high marks at a written test may not necessarily possess in an adequate measure the qualities which the *viva voce* test is designed to assess.

(c) This could not be as no candidate is summoned for *viva voce* interview unless he has already secured the minimum qualifying marks in the written test.

(d) Does not arise.

As long as the personal interview test is considered necessary and useful, no question of relief arises.

Seth Govind Das: May I know what is the number of such students who got a large number of marks in written answers and who were disqualified on account of this *viva voce*?

Shri Rajagopalachari: Sir, *viva voce* should not be understood to mean oral questions on general information. *Viva voce* is intended to see what type of mind and personality the candidate possesses. Therefore let not *viva voce* be mixed up with a notion that people are asked how far Banaras is from Ceylon and then if the person gives a wrong answer he is put down as a fool. That is not *viva voce*. This is an examination of personality.

In 1947, 20 candidates who had secured more than 60 per cent. in the written examination got qualifying marks in the *viva voce* test. The number of persons who were rejected on account of not having reached the qualifying marks in *viva voce* was Nil. In 1948 of the candidates who secured 60 per cent. and above in the written test six candidates secured less than the qualifying marks in

viva voce test and 12 candidates got more than the qualifying marks, that is to say, out of 18, six were disqualified. In 1948 out of 27 people who had secured more than 60 per cent. in the written test, 10 persons got less than 35 per cent. of marks in *viva voce* and they were not qualified. Only 17 were qualified. In 1950, 17 candidates got more than the qualifying number as against five who did not.

As the hon. Member is interested, I can give another list. The total number of candidates who secured more than 55 per cent. but less than 60 per cent. marks in the written examination was 64. All of them got the qualifying marks in the *viva voce* but one did not in 1947. In 1948 twenty-eight got more and eleven did not get. In 1950 it was half and half. But this is as I said about candidates who secured between 55 and 60 per cent. of the total. I have given the figures of all those who had secured more than 60 per cent. I might mention that this matter is still under examination.

Seth Govind Das: I am not at all satisfied with this answer and I want to give notice for a half-an-hour discussion on this.

Mr. Deputy-Speaker: Very well. If the hon. Member wants a half-an-hour discussion, certainly it is open to him to apply in the normal way.

The Question Hour is over.

There are two Short Notice Questions. The first is by Mr. Kamath.

Shri Kamath: I gave notice of this 3 or 4 weeks ago and I do not know what has happened since.

Short Notice Questions and Answers

DANGEROUSLY DISTURBED AREAS OF DELHI

Shri Kamath: Will the Minister of **Home Affairs** be pleased to state:

(a) Whether it is a fact that certain sectors of Delhi and/or New Delhi have been declared dangerously disturbed areas; and

(b) if so, which, for what period and on what grounds?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The Chief Commissioner, Delhi considered that, in view of certain possibilities in Faiz Bazar, Hauz Qazi, Kotwali and Sadar Bazar, he should arm himself at once with special powers under section 20 of the East Punjab Public Safety Act, 1949 as applied to Delhi. A type of speeches were being delivered in these areas which were peculiary unsuited for being indulged in at the moment. The Chief Commissioner has since withdrawn the notification.

Shri Kamath: What is the period during which these speeches were delivered which gave rise to apprehensions in the mind of the Chief Commissioner?

Shri Rajagopalachari: It was immediately before the order was promulgated, Sir, and indulged in for about a week or 10 days.

Shri Kamath: What was the nature, if not the content of these speeches?

Shri Rajagopalachari: It was at the time when there was tension of a high degree between Pakistan and us and general fear. These may be generally described as communal speeches.

Shri Kamath: Did the speakers belong to any particular party or organization or were they non-attached or non-descript?

Shri Rajagopalachari: It was not examined from the point of view of party attachment but it was examined from the point of view whether the speeches would give rise to fears and create hatred as between the Muslims and Hindus.

Shri Kamath: Was any overt act actually committed?

Shri Rajagopalachari: Luckily, Sir, it was just prevented.

Shri Kamath: How long did the order remain in force?

Shri Rajagopalachari: For a brief period and when this thing was published it was over. There may be overt acts but they were not serious but more than that did not happen.

Shri Kamath: Was any person arrested or detained during this period?

Shri Rajagopalachari: I am sorry I have not got that information with me. Probably not.

Shri Kamath: Was there a promulgation of section 144?

Shri Rajagopalachari: No, Sir. Section 144 was not promulgated because it could be promulgated only if we could fix upon the speakers and their positions in their localities but here outsiders came into these areas and began to speak.

Shri Kamath: When was the order withdrawn?

Shri Rajagopalachari: I cannot give the date but I may say that when the Short Notice question was given to me, I examined the whole position and when the particular danger was over, it was withdrawn.

Shri Kamath: Is it as a result of the Short Notice question that the order was withdrawn?

Shri Rajagopalachari: While causes and effects may be traced in various ways, I would give the credit to the hon. Member.

CLASH BETWEEN CUSTOMS OFFICERS AND VILLAGERS OF MINAMBUR

Shri Rathnaswamy: Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that there was a clash between the Customs officials and some villagers on the 30th August, 1951 in Minambur village, near Gingee in Madras State;

(b) whether it is a fact that fire was opened on the villagers who were suspected of smuggling from Pondicherry and if so, whether there were any casualties:

(c) how many were killed and how many injured on both sides; and

(d) whether Government have instituted a committee to investigate the causes that led to the firing incident and also to discuss steps to be taken to tighten the control measures on the apprehended smuggling parties?

The Minister of State for Finance (Shri Tyagi): (a) and (b). Yes: the facts of the incident as reported to me are as follows: On the 30th August, on information that contraband articles valued at about Rs. 30,000 smuggled from Pondicherry were concealed at Palliampattu, a portion of Minambur village and Kavaraicheri, close to Minambur, the Customs authorities, after obtaining search warrants from the judicial Sub-Magistrate, Gingee, sent a party to search the houses in which smuggled goods were suspected to have been secreted. The search party consisting of Customs officials supported by a contingent of Special Armed Police of the Madras State Government went to Kavaraicheri at 8 a.m. and recovered some contraband articles. The party then proceeded to Palliampattu at 11 a.m. and searched the houses for which warrants had been taken. In the belief that contraband goods were secreted in the house of Basha Sahib of Palliampattu village, the Customs party sent an application for a search warrant to the Judicial Sub-Magistrate for a search of his house also. While the party was awaiting the receipt of the search warrant the villagers numbering about 200 surrounded it and threatened to assault the party with sticks and stones. When the search warrant arrived and the party moved to search the suspected house, the crowd followed and obstructed them from searching it. The village crowd assumed a violent attitude whereupon the Sub-Magistrate and the Circle Inspector of Police with some local police constables had to be sent for. On his arrival the Sub-Magistrate warned the crowd, which had swelled by then to about 1,000, not to obstruct the party in the search of the suspected house. The villagers paid no heed to his warning and started throwing stones and some of them also rushed inside the house. One of the Customs officers was hit on the head and another received a stone hit on his back, and fell down unconscious when one of the villagers snatched his musket and fired a shot which went close to the Sub-Magistrate. Finding that the situation was becoming uncontrollable and that the crowd of villagers was trying to overpower the party the Sub-Magistrate ordered the opening of fire.

(c) I feel sad to inform the House that as a result of this unfortunate incident 9 persons are reported to have died and 29 injured. Among the injured 17 are Customs and Police officials.

(d) Not yet. Investigations of the causes that led to firing being ordered by the Sub-Magistrate will no doubt be made by the State Government.

As for tightening the control measures, the matter is constantly under the review and examination of the Government of India.

Shri Rathnaswamy: Is it a fact that the whole trouble arose because of the fact that the Customs officials entered certain houses where there were absolutely no grounds to suspect that there were contraband goods?

Shri Tyagi: According to my information, they waited and waited till search warrants were received. It was when they were waiting that trouble began. In fact firing was resorted to after the search warrants had arrived, after the magistrate had arrived and after the magistrate gave them a full warning. I have no

information to the effect that the Customs people entered any house without any warrant.

Shri Rathnaswamy: Is it a fact that due to lack of effective measures for the last so many years, we have been losing somewhat heavily? What is the amount which we would have got by way of customs duty?

Shri Tyagi: It is our great headache. I agree with my hon. friend that we are losing quite a lot on account of this illicit trade and smuggling which the villagers near about this village have been carrying on for some time. As I have already said, some stringent measures, to put a stop to this smuggling, are under consideration and they will soon be put into action.

Shri Rathnaswamy: Is it the intention of Government to conduct a through enquiry into the causes of this smuggling?

Shri Tyagi: The causes of smuggling are apparent and they are well known. The market rates vary. Our goods have to pay import duties; in Pondicherry and other French possessions where they do not have to pay the duty, the goods are cheap. It is the profit motive that is the real cause of smuggling.

Shri Rathnaswamy: Is the Government aware of the fact that smuggling has been going on uninterrupted because of the connivance of certain officials?

Shri Tyagi: If my hon. friend is in possession of such information, I shall really feel obliged to him, if he passes on that information to me. I will take strong action against such people.

Shri Rathnaswamy: How many Customs officials have been booked during the last 12 months? May I know whether any cases of such officials being involved in smuggling have been brought to the notice of Government?

Shri Tyagi: For this, I shall have to consult the Central Board of Revenue. I have not got ready information.

Shri Lakshmanan: May I know whether any member of the official party received any gun-shot wound?

Shri Tyagi: I have only stated that 17 of them got injuries. I do not know whether they were gun-shot injuries or were caused by stones.

Shri Rathnaswamy: Is there any proposal to overhaul the Government, the department I mean, and increase the staff, so that there would be greater scope to minimise the chances of smuggling continuing on a large scale?

Shri Tyagi: The trouble is this and it is really becoming a headache to the Government. On account of the big profits which these smugglers get in this trade, people there are flouting law and affronting authorities and many times they have given pitched battles to our Customs officials. Sometimes they have come with arms also and they are exhibiting a tendency to violence. For this purpose, at present, we are considering getting some more vehicles so that our parties may be mobile and move about from place to place quickly. Other measures are also under consideration.

Shri Rathnaswamy: As far as outposts in other States are concerned, is it the intention of Government to tighten control measures? May I know from the hon. Minister which is the State most affected by smuggling?

Mr. Deputy-Speaker: You are going to another matter; it does not arise out of this question.

Shri Rathnaswamy: I want to know as to whether any effective control measures are being contemplated by the Government in regard to the outposts in other States as well as within the Madras State.

Mr. Deputy-Speaker: That does not arise out of this question.

Shri Amolakh Chand: May I know whether firing was resorted to by both sides or by the official side only?

Shri Tyagi: As I have said, when the crowd began pelting stones, one of our Customs official fell down and his musket was snatched—that is the report—by a villager and he started firing. In fact therefore, according to my report, firing started from the side of the villagers, who snatched the musket from the officer who fell down unconscious on account of a severe injury as a result of stone throwing.

Shri Amolakh Chand: Thereafter, firing was resorted to by the official side?

Shri Tyagi: Thereafter, the magistrate gave a warning to the people. He told them that if they did not get back and went on throwing stones and exhibiting violence, firing will be restored to. When trouble did not stop and when the official party felt

that they were just on the verge of being overpowered, firing was resorted to.

Shri Amolakh Chand: Is it a fact that the persons who died, died of gun-shot injuries?

Shri Tyagi: I am afraid I have no definite information.

Shri Rathnaswamy: May I know the cost of the contraband goods that were seized during the last 12 months?

Shri Tyagi: I want notice; I could not bring these statistics with regard to this matter.

Shri Ramaswamy Naidu: May I know whether the idea that there is large scale corruption among Customs officials is warranted by the facts?

Mr. Deputy-Speaker: We are entering into a discussion.

Shri Alexander: May I know on whose enquiry this reply is given?

Shri Tyagi: No enquiry has as yet been made. I got my report from the officer on the spot and the C. E. Collector.

Shri Alexander: May I know whether the suspected contraband goods were recovered?

Shri Tyagi: Thirty thousand rupees worth of smuggled goods were recovered in the searches.

Dr. C. D. Pande: May I know whether the hon. Minister is satisfied with the veracity or reliability of this report?

Shri Tyagi: I have no reason to doubt the veracity of the report. I got it from responsible officials. But, surely the State Government of Madras must, I believe, be holding an enquiry and their report would be the most reliable document.

Dr. C. D. Pande: Was the report by officers there or from outside?

Shri Tyagi: I got this report from the Collector of Customs. Surely, the Collector was not personally involved in the incident.

Shri Shiv Charan Lal: The hon. Deputy Minister just now said—

Several Hon. Members: Minister of State.

Shri Tyagi: I protest.

Mr. Deputy-Speaker: A rose is sweet, call it by any name.

Shri Shiv Charan Lal: I am sorry. The hon. Minister just now said that in the past also these persons resorted to violence. Were there any casualties among officials also?

Shri Tyagi: When I went on my tour, I saw an officer who had been practically stabbed to death. He was lying unconscious. He had been stabbed by these people. He had to undergo long treatment in the hospital. Likewise, I saw other officials who showed that they had been many times injured in their struggles to check smuggling.

Sardar B. S. Man: May I know.....

Mr. Deputy-Speaker: Sufficient time has been spent on this matter.

Sardar B. S. Man: One question, Sir.

Mr. Deputy-Speaker: No, Sir; I am sorry.

WRITTEN ANSWERS TO QUESTIONS

Leprosy Drug (Import)

***963. Shri Kesava Rao:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that the Government of India have asked the U. S. S. R. Government to supply a drug which cures leprosy;

(b) if so, what is the reply of the Government of U. S. S. R.;

(c) whether it is a fact that the drug asked for is available in U.S.A.; and

(d) if the answer to part (c) above be in the affirmative, what steps Government have taken to import the drug?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) A request was made to the Soviet Government for information regarding a specific for leprosy called "Oxydiphtheric Acid" reported to have been discovered.

(b) The Soviet Government intimated that the matter was still in an experimental laboratory stage, that no drug had been released for sale on the Soviet market and that the final discovery of the drug must await a long process of experimentation.

(c) and (d). The Indian Embassy in Washington has reported that the American Leprosy Foundation have no knowledge of Oxydiphtheric Acid used in treatment of leprosy.

FIRE IN PAHARGANJ, DELHI

*970. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of **Home Affairs** be pleased to state whether it is a fact that a fire causing a loss of about one lakh broke out on the 8th of July, 1951 in Paharganj area, Delhi?

(b) Is it a fact that a considerable damage was done before any help reached the spot?

(c) What was the cause of the fire as disclosed by investigation?

The Minister of Home Affairs (Shri Rajagopalachari): (a) There was a fire as stated. The loss was about Rs. 40,000.

(b) The Fire Brigade reached the place within 5 or 6 minutes of receipt of the call.

(c) Careless handling of a naked light in premises stored with very inflammable material led to the fire and a breeze caused it to spread rapidly.

USE OF A.I.R. BY POLITICAL PARTIES

*971. **Shri Munishwar Datt Upadhyay:** Will the Minister of **Information and Broadcasting** be pleased to state the terms on which the use of the A.I.R. is contemplated to be allowed for electioneering?

The Minister of State for Information and Broadcasting (Shri Diwakar): The hon. Member's attention is invited to the reply given by me to Question No. 639 on the 30th August, 1951.

MANUFACTURE OF SULPHA DRUGS

*974. **Shri Kishorimohan Tripathi:** (a) Will the Minister of **Health** be pleased to state the names and number of concerns in India which are engaged in producing Sulpha Drugs?

(b) Is the quality of the said drug produced in India, if any, at par with that of similar imported drugs?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) At present only the Haffkine Institute, Bombay is manufacturing sulphathiazole on a commercial scale. Three private firms have plans for the manufacture of sulpha drugs. One of these firms is at present tabletting imported powders on a small scale.

(b) Sulphathiazole manufactured at the Hackine Institute, Bombay is of B.P quality and is equal to the best imported sulphathiazole.

SALE OF SAVINGS CERTIFICATES

*980. **Shri Kesava Rao:** (a) Will the Minister of **Finance** be pleased to state the total amount of money invested during 1949-50 and 1950-51 and the last six months in the National Savings Certificates?

(b) Is it a fact that the progress in selling them is very slow?

(c) What are the reasons for the slackness?

(d) What steps have been taken by Government to popularise buying of National Savings Certificates in the rural areas?

The Minister of Finance (Shri C. D. Deshmukh): (a) Net sales amounted to Rs. 15.43 lakhs in 1949-50, Rs. 17.25 lakhs in 1950-51 and Rs. 9.10 lakhs during the 6 months ending July, 1951.

(b) No, Sir.

(c) Does not arise.

(d) Arrangements to intensify propaganda and popularise the National Savings Certificates in the rural areas are in hand. Extra-departmental Branch Post Masters are being appointed as authorised agents on commission, for the sale of these certificates; and in certain States, selected rural Co-operative Societies are also being similarly appointed.

POPULARISATION OF HINDI

*981. **Shri Kesava Rao:** (a) Will the Minister of **Education** be pleased to state whether it is a fact that Government have appointed Regional Boards to propagate Hindi?

(b) When were the Boards formed and who are the members of these Boards?

The Minister of Education (Maulana Azad): (a) and (b). A proposal to set up a Central Hindi Organisation to be known as Hindi Shiksha Sammiti and four Regional Boards for the purpose of spreading Hindi in the non-Hindi-speaking areas has been approved by Government and steps are being taken to implement it.

SCHEMES RELATING TO IRRIGATION AND POWER PROJECTS

*986. **Shri Rathnaswamy:** Will the Minister of **Finance** be pleased to state:

(a) whether Government propose to include in the Planning Commission's Supplementary Plan a number of Schemes relating to irrigation and power projects;

(b) whether Government have agreed to Madras Government's request for help for their projects; and

(c) whether there is any proposal to give a part of the Colombo Plan funds to the States for the completion of certain urgently needed welfare Schemes?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Planning Commission have still to consider what schemes would be included in the second Part of the Five Year Plan.

(b) Early this year the Madras Government were told that in view of their budgetary position the Government of India would not be able to make any provision in 1951-52 for loan assistance to Madras for its irrigation and electricity schemes. This position still holds good but Government will review the position later in the year.

(c) Schemes of State Governments would be eligible for assistance out of counterpart funds which may be available from aid given by other countries under the Colombo Plan, if such funds became available in 1951-52.

ESTATES DUTY

*987. **Shri Rathnaswamy**: (a) Will the Minister of **Finance** be pleased to state whether it is a fact that Government of India have asked the States to levy an Estates duty as a means of raising revenue for carrying out the development projects and if so, how many States are likely to bring in legislation in this connection?

(b) What is the likely income expected by this legislation in various States?

The Minister of State for Finance (Shri Tyagi): (a) In the preliminary discussions of the Estate Duty Bill, the Select Committee expressed the view that the State Governments should be addressed with the suggestion that they should introduce legislation for imposing estate duty on agricultural lands or authorise the Centre to legislate on their behalf. It was at their suggestion that the State Governments were addressed, because if the State Governments were not to levy estate duty on agricultural property, the non-agricultural and particularly the industrial assets would be converted into agricultural assets to escape duty. This would have led not only to evasion of duty but would have also adversely affected the industrial economy of the country.

Most of the States are expected to authorise the Centre to legislate on their behalf.

(b) No estimate of the probable revenue has been attempted; and it is not possible to say how much such a levy would yield.

NATIONAL AIR ACADEMY

*988. **Shri Rathnaswamy**: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the National Air Academy is being shifted to Begumpet and if so, for what reasons;

(b) when the shifting will be completed;

(c) whether it is a fact that the Hyderabad Aero Club is to be wound up and their staff will be absorbed into the Academy; and

(d) how many of the staff will be affected by this shifting and whether all are likely to be absorbed?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) and (b). There is no Air Force Unit known as National Air Academy. It would not be in the public interest to discuss the moves of Armed Forces establishments on the floor of the House.

(c) Government have no information.

(d) Does not arise.

REGISTRAR, JOINT STOCK COMPANIES, U.P.

*989. **Babu Gopinath Singh**: (a) Will the Minister of **Finance** be pleased to state whether there is a proposal to create a post with an Attached Office for a whole-time Registrar of the Joint Stock Companies in U.P.?

(b) What will be the estimated cost of such an office including the salary of the whole-time Registrar?

(c) Will it not be more economical if the post of an Assistant Registrar is created instead of establishing a whole paraphernalia of a big and new office?

(d) What is the arrangement in respect of this work in other States?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Uttar Pradesh Government have already created a post of Registrar of Joint Stock Companies on a whole-time basis. The office of the Registrar has been in existence for some time.

(b) The cost of the office including the salary of the whole-time Registrar would be about Rs. 40,000 for a whole year.

(c) It was no longer possible for one officer to act simultaneously as the Registrar of Co-operative Societies and the Registrar of Joint Stock Companies in Uttar Pradesh due to expansion in the activities of the Co-operative Department and growth of Joint Stock enterprise in the State during recent years. No other officer to work as Registrar of Joint Stock Companies on part time basis was also available. As stated, the office and an Assistant Registrar had already been there and the only change that has been effected is the replacement of a part time Registrar by a whole-time one, which will lead to an addition cost of the order of only Rs. 4,400 per annum.

(d) Apart from the Uttar Pradesh, there are whole-time Registrars of Joint Stock Companies in Bombay, West Bengal and Travancore-Cochin. In other States, the duties of the Registrars have been entrusted to other officers of the State Governments such as the Registrar of Co-operative Societies, the Director of Industries, the Inspector General of Registration on a part time basis.

DELHI MUNICIPAL COMMITTEE'S INVESTMENTS

*990. **Shri M. Naik:** (a) Will the Minister of **Finance** be pleased to state whether the attention of the Government has been drawn to a Press report published in some local daily to the effect that the Imperial Bank of India has advised the Delhi Municipal Committee that "as money rates were uncertain and future tendencies of the Government securities market were towards lower level, it was advisable to confine Delhi Municipal Committee's investments to shorter-dated loans"?

(b) How far is the Imperial Bank with its special status and affiliation with the Government Treasury and Central Banking within its freedom to give its clients advice on guilt-edged investments, which may have the effect of weakening the Government securities market?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Government of India have seen a Press Report to the effect that the Imperial Bank of India had communicated to the Delhi Municipal Committee that its brokers were of this opinion.

(b) The Imperial Bank of India is free to act as an ordinary banker in helping its clients in the matter of any investment. In any case, Government of India do not consider that merely the forwarding by the Bank to a client of the opinion of one of its brokers can have the effect of weakening the Government Securities market. Government have no doubt the opinion was forwarded confidentially.

WELFARE OF SCHEDULED TRIBES

*991. **Shri M. Naik:** Will the Minister of **Home Affairs** be pleased to state what are the grants-in-aid paid or sanctioned by the Government of India to different States during the current year for the purpose of promoting the welfare of the Scheduled Tribes?

The Minister of Home Affairs (Shri Rajagapalachari): A sum of Rs. 34 lakhs has been authorised for expenditure in the Hill districts of Assam. This is in addition to a sum of 50 lakhs which is due to be paid to the Assam Government under clause (a) of the first proviso to article 275. No grant-in-aid has yet been sanctioned for any other State but certain ceilings have been intimated to them on the assumption that a supplementary grant of Rs. 50 lakhs, which has been asked for, will be sanctioned by Parliament. I lay on the Table of the House a statement showing these ceilings.

These Grants-in-aid will be sanctioned after the detailed schemes which have been called for from the State Governments have been examined and approved.

STATEMENT

The Ceilings allotted to various States for welfare of scheduled Tribes

Name of the State	Ceiling allotted
(1) Madras	4·00 Lakhs.
(2) West Bengal	2·00 ,,
(3) Madhya Pradesh	12·00 ,,
(4) Bihar	15·00 ,,
(5) Orissa	20·00 ,,
(6) Punjab	0·75 ,,
(7) Hyderabad	2·00 ,,
(8) Rajasthan	5·00 ,,
(9) Madhya Bharat	4·00 ,,
TOTAL	64·75 Lakhs.

SURPLUS ELECTRICITY

*992. **Giani G. S. Musafir:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that Delhi Electric Supply Co. has got surplus electricity for the under-consumption hours of the day *e.g.* after mid-night and in the morning;

(b) whether it is a fact that some of the applicants for electricity have asked the authorities to allot them the connections for such hours; and

(c) if so, what is the result?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Presuming that the hon. Member refers to the Delhi State Electricity Board, the reply is in the affirmative.

(b) Yes, Sir.

(c) Whenever night load becomes available at any sub-station, it is allotted to the applicants of the area served by that sub-station.

OPHTHALMIC FACULTY IN GANDHI EYE HOSPITAL

*993. **Shri Dwivedi:** (a) Will the Minister of **Education** be pleased to state whether it is a fact that an Ophathalmic Faculty of the Aligarh University is to be established in the Gandhi Eye Hospital, Aligarh?

(b) What is the estimated cost of building to be constructed in the first floor of the Hospital?

(c) What is the contemplated aid to be given by Government, recurring and non-recurring?

(d) By what time is the Faculty likely to take up regular working?

(e) Is there any other Institute of the nature anywhere in India and if so, where?

The Minister of Education (Maulana Azad): (a) The Aligarh Muslim University has decided to establish an Ophthalmic Institute in co-operation with the Gandhi Eye Hospital, Aligarh under their Faculty of Medicine.

(b) The estimated cost will amount to approximately Rs. 1,25,000/-.

(c) The matter is under consideration.

(d) The Ophthalmic Institute is likely to start work with effect from the 1st January, 1952.

(e) There are no post-graduate Ophthalmic Institutes in India, but a post-graduate Diploma in Ophthalmic Medicine and Surgery (D.O.M.S.) is, at present, granted by the Universities of Madras, Punjab, Lucknow and the College of Physicians and Surgery, Bombay, to medical graduates, who have received training in Ophthalmic Departments of certain Medical Colleges.

SAVINGS BANK DEPOSITS OF VINDHYA PRADESH STATE BANKS

*994. **Shri Dwivedi:** Will the Minister of **Finance** be pleased to refer to the answers given to my unstarred question No. 286 asked on the 9th May, 1951 and starred question No. 341 asked on the 18th August, 1951 regarding Savings Bank deposits of Vindhya Pradesh State Banks and state:

(a) the date of integration of the Chhatarpur State Bank with the Government treasury;

(b) the reason for not refunding the various deposits in the Savings Bank accounts which were mostly of poor persons;

(c) the reason for repayment of the deposits only after the sale of G. P. notes held by the Bank when the Government of India can pay off these deposits out of Central Funds and necessary adjustments can be made later: and

(d) the reason why officers concerned, because of whose negligence the depositors are made to suffer great hardships and unnecessary delays have been caused in the repayment, should go without any action being taken against them?

The Minister of Finance (Shri C. D. Deshmukh): (a) There has been no such integration.

(b) The bank has yet to bring its accounts up-to-date and to sell its holding of G. P. notes and realise its other investments.

(c) The bank's transactions are not Government transactions and the question of repayment of the bank's liabilities from Central Government balances does not arise.

(d) The bank's accounts have been in arrears for a long time and no officer can be specifically held responsible for the present state of affairs. Special steps are, however, being taken to bring the accounts up-to-date.

CONFIRMATION OF SCHEDULED CLASS GOVERNMENT EMPLOYEES

*995. **Babu Ramnarayan Singh:** (a) Will the Minister of **Home Affairs** be pleased to state whether in the year 1948 an order was circulated to all the

departments of the Government of India that certain percentage of the Scheduled class Government employees will be immediately confirmed in their posts?

(b) If so, how many Scheduled class Government employees have been confirmed in their respective posts according to that circular?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes. The attention of the hon. Member is invited to paragraph 2(b) of the Summary of Instructions placed on the Table of this House in reply to part (c) of Prof. K. T. Shah's starred question No. 301. asked on the 18th August, 1948.

(b) Assistants	...	29
Clerks	...	174

(subject to their passing a test in typing).

MODEL CHILDREN ACT

*996. **Shrimati Jayashri**: Will the Minister of **Education** be pleased to state:

(a) whether the draft of the Model Children Act has been prepared;

(b) whether Government have asked the various State Governments to modify their Act on the lines of this model Act;

(c) whether any analysis is ever taken of the children appearing before the Juvenile courts in the various states, where Legislation regarding children is enacted;

(d) whether it is a fact that a preponderant percentage of children that are put before the Juvenile courts are destitutes and neglected; and

(e) whether Government intend to evolve some procedure which will enable only a selected type of cases to be produced before the Juvenile courts?

The Minister of Education (Maulana Azad): (a) The draft is still under preparation.

(b) Does not arise.

(c) to (e). The information is not readily available as it concerns the State Governments. The State Governments have been requested to furnish the requisite information.

CHILD GUIDANCE CLINICS

*997. **Shrimati Jayashri**: (a) Will the Minister of **Education** be pleased to state the number of children in the Primary Schools in Delhi?

(b) What steps do Government take or intend to take for the treatment of backward children?

(c) Are there any Child Guidance Clinics attached to group of schools where children are treated, and proper guidance given to their parents?

(d) What would be the cost of running such a clinic?

(e) Have Government any intention to ask various States to conduct such Guidance Clinics?

The Minister of Education (Maulana Azad): (a) The information required is being collected.

(b) owing to unavailability of funds, it is not possible to open child clinics.

(c) and (d). The information required is being collected.

(e) This will depend upon the cost and the funds available.

ROAD ACCIDENTS IN DELHI

*998. **Shri V. K. Reddy**: (a) Will the Minister of **Home Affairs** be pleased to state what is the total number of road accidents in Delhi and New Delhi during the years 1948-49, 1949-50 and 1950-51?

(b) Is it a fact that there is a regular increase in the road accidents?

(c) What are the reasons for the same?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The number of road accidents in Delhi and New Delhi and the totals for the years 1948—51 (up to the 31st August, 1951) are as shown below:

Year	Delhi	New Delhi	Total
1948	99	150	249
1949	174	169	343
1950	394	264	658
1951 (up to the 31st August 1951)	270	208	478

(b) Yes, Sir. I am sorry to say.

(c) The increase in the number of accidents can be attributed to:

(i) increase in the number of motor vehicles;

(ii) possibly also derationing of petrol since 1950 and consequent increase in the volume of motor traffic; and

(iii) revised departmental instruction under which minor accidents are recorded—which was not being done in the past.

PENSIONS APPEAL TRIBUNALS

*999. **Shri V. K. Reddy:** (a) Will the Minister of **Defence** be pleased to state what are the States where Pensions Appeal Tribunals have been working?

(b) What is the number of appeals preferred to the Central Appeal Tribunal during the years 1949-50 and 1950-51?

(c) What is the number of appeals pending at present?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) On the assumption that the hon. Member refers to the Tribunals which are still functioning, the answer is:

(1) One Tribunal in the Punjab (Jullundur) which moves to Southern India periodically to hear appeals arising from the South.

(2) One Tribunal in Uttar Pradesh (Lucknow) which moves to Lahore periodically to hear appeals of Pakistan nationals.

(b) 1949-50. ... 468
1950-51 ... 684

(c) Assuming that the hon. Member refers to the number of appeals pending with the Central Appeal Tribunal, the answer is 47 on 1st September, 1951.

WOMEN POLICE DELHI

*1001. **Shrimati Jayashri:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether women police in Delhi State have been able to rescue women from those dealing in traffic in women;

(b) if so, the number of such women rescued so far; and

(c) whether Government propose to increase the number of women police?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). Women police in Delhi are employed, amongst other duties in rendering special assistance in the rescuing of women referred to in the Question; they are not utilised exclusively or independently for this purpose. Separate numbers of women rescued with the assistance of women police are not available.

(c) As mentioned on an earlier occasion in reply to question No. 540 on the 27th August, 1951, there is no proposal at present to increase their strength.

PHYSICAL LABORATORY IN DELHI

*1003. **Shri V. J. Gupta:** (a) Will the Minister of **Natural Resources and Scientific Research** be pleased to state the amount spent so far on the Physical Laboratory, Delhi for (i) Buildings, (ii) Equipment, (iii) Library, (iv) Personnel, (v) Miscellaneous Items and (vi) Research?

(b) How many Research students or workers are now engaged in this laboratory, for how long and what are their achievements?

(c) How many students are admitted in this laboratory every year?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) A statement giving the information desired is placed on the Table of the House. [*See* Appendix VI, annexure No. 25.]

(b) A statement showing the scientific staff employed by the National Physical Laboratory since the 1st March, 1948, upto the 31st July, 1951, is placed on the Table of the House. [*See* Appendix VI, annexure No. 26.]

A report of the National Physical Laboratory for the period ending with December, 1950 showing the work done by the Laboratory since its inception in March, 1948, is placed on the Table of the House. [*See* Appendix VI, annexure No. 26.]

(c) The National Physical Laboratory is a research institute and as such, does not take students.

HIRAKUD PROJECT

*1004. **Shri A. Joseph:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that without obtaining sanction of the Finance department of the Government of India, the Chief Engineer of Hirakud sanctioned money for entertainment of distinguished guests at the dam;

(b) whether there is any body to audit or to supervise their accounts; and

(c) the number of times visitors were entertained at Hirakud and the total cost of these bills?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) No, Sir. An estimate for entertaining distinguished visitors and guests was provisionally sanctioned by the Chief Engineer, Hirakud Dam Project with the concurrence of the Financial Adviser. The bulk of the

expenditure was incurred on Missions sanctioned by Government.

(b) The bills were paid after pre-check by the Chief Accounts Officer and were audited by the Residential Audit Officer.

(c) The distinguished visitors were entertained on 10 occasions during the last three years, at a total cost of Rs. 14,677/-.

L.D.S. QUALIFICATION

223. Shri Jhunjhunwala: (a) Will the Minister of **Health** be pleased to state whether Government are aware of the fact that the L.D.S. qualification in Part 'B' of the Schedule of the Dental Act, is disowned by the Vienna University?

(b) If the answer to part (a) above be in the negative, has the attention of Government been drawn to a letter published in "The Indian Dental Review" of December, 1949, from a Director of Dental Institution disowning the L.D.S. qualification certificate?

(c) If the answer to part (b) above be in the affirmative, what action have Government taken or do propose to take in the matter?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) Presumably the hon. Member is referring to the qualification "Z D.S. (Vienna)" included in Part III of the Schedule to the Dentists Act, 1948. The answer is in the negative.

(b) Yes.

(c) In view of the fact that no valid argument has been put forward other than those contained in the "Opinions on the Dentists Bill" which were duly considered by Government and the Legislature before the enactment of the Dentists Act, 1948, Government do not propose to take any action in the matter. Moreover, the qualifications mentioned in Part III of the Schedule to the Dentists Act, 1948, including the "Z.D.S. (Vienna)", are recognised dental qualifications for the purpose of registration of Indian citizens only when the registers under the Act are first prepared. Since the first registers under the Act have already been prepared, Government do not propose to re-open the question. The Dental Council of India concur in this view.

TRIAL OF MILITARY OFFICER AT JUBBULPUR

224. Shri Kamath: Will the Minister of **Defence** be pleased to refer to the answer given by him to my starred question No. 4976 on the 6th June, 1951 and state:

(a) what disciplinary or other departmental action has been taken against the military officer who assaulted some civilians at Pariat Tank, Jubbulpur, early in 1950; and

(b) the name and rank of the officer concerned?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) The matter is under consideration.

(b) SS 13358 Captain Gurdip Singh Chahal.

NEWSPAPERS PUBLISHED IN PART 'C' STATES

225. Shri Dwivedi: Will the Minister of **Information and Broadcasting** be pleased to lay on the Table of the House a list of all the newspapers whether dailies or weeklies, magazines etc., which are being published in Part 'C' States statewise, and the languages in which they are published showing the names of papers and periodicals to whom Government advertisements are being given, from time to time?

The Minister of State for Information and Broadcasting (Shri Diwakar): A statement giving the required information up to 1st January, 1951 is placed on the Table of the House. [*See* Appendix VI, annexure No. 27.]

FLAG DAY COLLECTIONS

226. Shri Kesava Rao: (a) Will the Minister of **Defence** be pleased to state the amount of flag day collections during 1950?

(b) How has it been spent?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) **Rs. 8,20,313-14-2.**

(b) One quarter of the collections from each State is being remitted back to that State for credit to the State Benevolent Funds for the alleviation of distress amongst ex-servicemen and their families. Of the balance, augmented by Rs. 1,00,000 kept as reserve last year, Rs. 6,10,000 is allotted to the Army, Rs. 90,000 to the Navy and Rs. 1,10,000 to the Air Force for relief and amenity purposes.

OFFICERS IN THE MINISTRY OF LAW

227. Prof. K. T. Shah: Will the Minister of **Law** be pleased to state:

(a) the number of (i) Gazetted, and of (ii) non-Gazetted officers,

clerks and class IV servants in his secretariat, on:

(i) 15th August, 1947; (ii) 31st March, 1948; (iii) 31st March, 1949; (iv) 31st March, 1950; and (v) 31st March, 1951; and

(b) the number of officers, clerks and class IV servants, appointed temporarily in the first instance and subsequently (i) made permanent, (ii) retired or (iii) retrenched, during each of the years 1947-48 (post-partition), 1948-49, 1949-50 and 1950-51?

The Minister of Law (Dr. Ambedkar): The information asked for is not readily available. Its collection will involve a disproportionate expenditure of time and labour.

NEW DELHI NURSING COLLEGE

228. Shri R. Velayudhan: Will the Minister of **Health** be pleased to state:

(a) the number of students studying in the New Delhi Nursing College;

(b) the number of Indians and foreigners respectively on its staff;

(c) the respective qualifications, both academic and professional, of the foreigners and the Indians and their positions in the college staff;

(d) the terms and conditions offered to the foreigners employed in the Nursing College; and

(e) whether the salary and other allowances of the foreigners are met by Government?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) 97.

(b) There are 16 Indians and 6 people from other countries on the teaching staff.

(c) and (d). Two statements containing the required information are attached. [*See* Appendix VI, annexure No. 28.]

(e) The salary, allowances, etc. in respect of Misses M. Craig, E. Buchanan and A. Forman, who are borne on the regular establishment of the College, are met by Government. But the salary of Misses Clifford Jones, Elizabeth Orbell, and E. Kent Johnston, who have been attached to the College under the Commonwealth Technical Assistance Programme is borne by the Government of New Zealand; the Government of India bear the expenditure on their board, lodging medical treatment and travel within India.

BROADCAST IN FOREIGN LANGUAGES

229. Shri Jnani Ram: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the countries which have started broadcasting in Hindi; and

(b) the foreign languages in which news are broadcast in India?

The Minister of State for Information Broadcasting (Shri Diwakar): (a) According to available information, countries broadcasting in Hindi are.

India
Portuguese Possession in India
Burma
Nepal
Ceylon
East Africa
Indonesia
Italy
United Kingdom, and
United States of America.

In addition the United Nations also broadcast in Hindi from Lake Success.

(b) All India Radio broadcast news in the following foreign languages:

Pustu.
Afghan-Persian
Persian
Arabic
Potho'ari (Dialect)
Gorkhali
Burmese
Chinese (Kuoyu and Cantonese)
Indonesian, and
English.

BODIES SUBORDINATE TO DEFENCE MINISTRY

230. Shri S. N. Das: Will the Minister of **Defence** be pleased to state:

(a) the number and names of statutory and non-statutory bodies of permanent nature functioning under the direct administrative control of his Ministry giving the following information in each case:

(i) the year of their constitution;
(ii) the recurring annual expenditure incurred by them;
(iii) the provision for audit of their accounts; and

(iv) the method of submission of the report of their activities;

(b) the number and names of such *ad hoc* committees as were appointed by the Ministry since the 15th of August, 1947, and which have finished their work; and

(c) the number and names of the *ad hoc* committees appointed by the Ministry and which are still functioning, giving the nature of their functions, the date of their appointment and the time by which they are expected to finish their work?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) to (c). Two statements are laid on the Table of the House. [*See* Appendix VI, annexure No. 29.]

HONORARIUM FOR HIGH COURT JUDGES

231. Shri S. N. Das: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government of India have come to a final conclusion regarding the proposed enactment for prohibiting the grant of honorarium or additional remuneration to High Court Judges for performing additional non-judicial functions; and

(b) whether the opinions of the various States Governments on this point have been received?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). Opinions of State Governments have been received and are under active consideration. Government hope to reach decisions shortly.

Wednesday, 12th September, 1951

सत्यमेव जयते

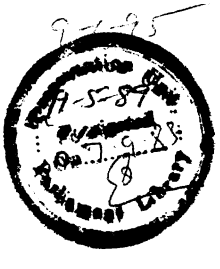
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XV, 1951

(30th August, 1951 to 22nd September, 1951)



Fourth Session

of the

PARLIAMENT OF INDIA

1951

CONTENTS

Volume XV—30th August, 1951 to 22nd September, 1951

Columns

THURSDAY, 30TH AUGUST, 1951—

Papers laid on the Table—

(*i*) White Paper regarding Japanese Peace Treaty; and (*ii*) Draft Japanese Peace Treaty 1595

Letter to Bombay Mutual Life Assurance Society Ltd. under Section 27 of Insurance Act . . . . . 1595—96

Indian Companies (Amendment) Bill—Presentation of Report of Select Committee 1596

Government of Part C States Bill—Consideration of clauses—*Not concluded* . 1596—1664

FRIDAY, 31ST AUGUST, 1951—

Business of the House . . . . . 1665—67

Papers laid on the Table—

Annual Reports and Audited Accounts of Employees State Insurance Corporation for 1948-49 and 1949-50 1667

Press (Incitement to Crime) Bill—Introduced 1667

Delhi and Ajmer Rent Control Bill—Extension of time for presentation of Report of Select Committee . . . . . 1667—69

Evacuee Interest (Separation) Bill—Extension of time for presentation of Report of Select Committee 1669

Government of Part C States Bill—Consideration of clauses—*Concluded* . 1669—1812

MONDAY, 3RD SEPTEMBER, 1951—

Motion for Adjournment—

Imposition of a compulsory war levy on non-Muslims of East Pakistan . 1813—14

Papers laid on the Table—

Bedaux Report on Central Stationery Office, Calcutta 1815

Benares Hindu University (Amendment) Bill and Aligarh Muslim University (Amendment) Bill—Extension of time for presentation of Reports of Select Committees . . . . . 1815—18

Government of Part C States Bill—Passed, as amended . . . . . 1818—73

Railway Companies (Emergency Provision) Bill—Discussion on motion to consider—*Not concluded* . . . . . 1873—88

TUESDAY, 4TH SEPTEMBER, 1951—

Motions for Adjournment—

Accident on Shahdara-Saharanpur Light Railway . . . . . 1889—91

Madras High Court Decision *re* Notification under Cotton Control Order of 1951 . . . . . 1892—93

Papers laid on the Table—

Report of Indian Delegation to Fourth World Health Assembly . . . 1894

Ganesh Chaturthi Festival . . . . . 1894—95

Delhi Special Police Establishment (Amendment) Bill—Introduced . . 1895

Industries (Development and Control) Bill—Referred to Select Committee . 1895—1924

Railway Companies (Emergency Provision) Bill—Consideration of clauses—*Not concluded* . . . . . 1924—84

WEDNESDAY, 5TH SEPTEMBER, 1951—

Railway Companies (Emergency Provision) Bill—Passed, as amended . 1985—2034

Indian Companies (Amendment) Bill—Consideration of clauses—*Not concluded* 2035—66

	Columns
THURSDAY, 6TH SEPTEMBER, 1951—	
Training and Employment Bill—Recommendation for consideration withheld	2067—83
Prohibition of Manufacture and Import of Hydrogenated Vegetable Oils Bill—Discussion on motion to consider—*Not concluded*	2083—2200
FRIDAY, 7TH SEPTEMBER, 1951—	
Leave of absence from the House	2201
Papers laid on the Table—	
Notification under section 2C of Insurance Act, 1938	2201
Benares Hindu University (Amendment) Bill and Aligarh Muslim University (Amendment) Bill—Presentation of Reports of Select Committees	2201—03
Notaries Bill—Extension of time for presentation of Report of Select Committee	2203—04
Indian Companies (Amendment) Bill—Passed, as amended	2204—60
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2260—78
MONDAY, 10TH SEPTEMBER, 1951—	
Leave of absence from the House	2279
Papers laid on the Table—	
Report *re* Flying of a fan blade in Parliament Chamber	2279—80
Statement showing action taken on assurances and undertakings	2280
Revised statement *re* disabilities of Indians in Mauritius	2280
Delhi Premises (Requisition and Eviction) Amendment Bill—Presentation of Report of Select Committee	2281
Evacuee Interest (Separation) Bill—Presentation of Report of Select Committee	2281
Go-Samvardhan Bill—Extension of time for presentation of Report of Select Committee	2281—83
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2283—2364
TUESDAY, 11TH SEPTEMBER, 1951—	
Leave of absence from the House	2365
Admissibility or disallowance of questions	2366—69
Statement regarding contract for carriage of mails	2369—70
Papers laid on the Table—	
Notification amending Indian Aircraft Rules, 1920	2370
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2370—2430
WEDNESDAY, 12TH SEPTEMBER, 1951—	
Business of the House	2431—33
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2433—2528
FRIDAY, 14TH SEPTEMBER, 1951—	
Part C States (Miscellaneous Laws) Repealing Bill—Introduced	2529
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2529—90
SATURDAY, 15TH SEPTEMBER, 1951—	
Business of the House	2591—94
Delhi and Ajmer Rent Control Bill—Extension of time for presentation of Report of Select Committee	2595—97
Displaced Persons (Debts Adjustment) Bill—Extension of time for presentation of Report of Select Committee	2597—98
Press (Incitement to Crime) Bill—Referred to Select Committee	2598—2672

MONDAY, 17TH SEPTEMBER, 1951— *Columns*

Notaries Bill—Extension of time for presentation of Report of Select Committee 2673

Industries (Development and Control) Bill—Extension of time for presentation of Report of Select Committee . . . . . 2673—74

Hindu Code—Consideration of clauses—*Not concluded* . . . . . 2674—2738

TUESDAY, 18TH SEPTEMBER, 1951—

Papers laid on the Table—

Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951; and Ministry of Law Notification amending these Rules . 2739—40

Half-yearly statement of cases in which the lowest tenders have not been accepted by the India Store Department, London 2740

Statements showing the recommendations of the Estimates Committee and action taken thereon by Government . . . . . 2740—42

Indian Foreign Service Rules 2742

Companies (Donations to National Funds) Bill—Introduced . . . 2742

Hindu Code—Consideration of clauses—*Not concluded* . . . 2742—2840

WEDNESDAY, 19TH SEPTEMBER, 1951—

Hindu Code—Consideration of clauses—*Not concluded* . 2841—98

THURSDAY, 20TH SEPTEMBER, 1951—

Papers laid on the Table—

Delimitation of Council Constituencies Orders, 1951 . . . . . 2899—2901 99—2901

Delimitation of Parliamentary and Assembly Constituencies (Amendment) Orders, 1951 . . . . . 2969—72

Hindu Code—Consideration of clauses—*Not concluded* . . . . 2901—69

FRIDAY, 21ST SEPTEMBER, 1951—

Statements by Ministers . . 2973

Papers laid on the Table—

Punjab Security of the State Act, 1951 (President's Act I of 1951) . . . 2974

Report of Delegation to Thirty-third Session of International Labour Conference 2974

Hindu Code—Consideration of clauses—*Not concluded* . . . . 2974—3054

SATURDAY, 22ND SEPTEMBER, 1951—

Leave of absence from the House 3055

Hindu Code—Consideration of clauses—*Not concluded* . . . . 3055—3138

THE

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

PARLIAMENT OF INDIA

Wednesday, 12th September, 1951

The House met at Half Past Eight of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

9-50 A.M.

BUSINESS OF THE HOUSE

Shri Kamath (Madhya Pradesh): Sir, before we proceed to other business, may I invite your attention to the fact that while tomorrow is a holiday on account of *Id-uz-Zuha*, the day after tomorrow which is also a very important and auspicious festival day—*Ananta Chaturdashi* is not a holiday, though both are bank holidays. I also find in today's papers that the Chief Commissioner, Delhi, has declared the 14th also to be a local holiday on account of *Ananta Chaturdashi*. And we as Parliament sitting here cannot afford to discriminate between festivals in this manner as we are a secular State, lest our policy should be misconstrued as irrational pseudo-secularism. I, therefore, request that as both days are bank holidays and the Chief Commissioner has also declared the 14th a local holiday, we may not sit on Friday as well.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): May I remind the hon. Member that this Parliament is not a local institution, but that it is a national institution?

Shri Kamath: But are we a secular State or a pseudo-secular State?

Mr. Deputy-Speaker: I am afraid we are getting into arguments. The practice we have been adopting is, if there is a holiday intervening, we hold up the work for that day and sit on the next Saturday. But in this instance, we cannot find another Saturday. Therefore, I can consider along with other hon. Members whether instead of having a sitting in the morning, we may sit in the afternoon of the 14th, as we did in the case of another festival some days back.

Pandit Thakur Das Bhargava (Punjab): But on *Ananta Chaturdashi* the fast is kept for the whole day.

Shri Jawaharlal Nehru: This question about holidays often arises. After careful consideration, a number of holidays have been fixed, and what are called Government of India holidays are applicable to us. Then there are the provincial holidays, or State holidays, for each State or local area, holidays which are very important in that local area. So far as Parliament is concerned, we have got fixed holidays and I do not see why this question should arise repeatedly. If the House so wishes, we may consider what these fixed holidays should be, but we cannot go about changing it often, adding an odd day here or subtracting a day there at the last moment. This kind of demand will be impossible to meet. Unfortunately if we take the hon. Member's suggestion about our functioning as a secular State as meaning that we should observe all holidays, then I do not think that even 365 days would be quite enough for all the holidays.

Shri Kamath: But Government does not represent the nation, it is Parliament that represents the nation, Sir.

Mr. Deputy-Speaker: There is no good entering into a discussion about this matter. If hon. Members feel that any particular festival is of such importance that it should be included in the list of holidays, then as the hon. the Leader of the House has suggested,

[Mr. Deputy-Speaker]

the whole set may be revised. All such suggestions may be sent to the Secretary and in consultation with the Leader of the House, they will be dealt with. So far as the day after tomorrow is concerned, I should like to know if the hon. Members would like to sit in the afternoon instead of in the forenoon?

Hon. Members: No, no.

The Minister of State for Transport and Railways (Shri Santhanam): A holiday is more necessary in the afternoon than in the morning, because the feast is to be in the afternoon.

Mr. Deputy-Speaker: But if it is the general desire, we may sit in the afternoon of the 14th.

Hon. Members: No, Sir.

Mr. Deputy-Speaker: Then we continue, as usual, to sit on that morning.

PRESS (INCITEMENT TO CRIME) BILL—*contd.*

Mr. Deputy-Speaker: We have taken several days over this matter. I would therefore request hon. Members to be as brief as possible and not to repeat points that have already been stressed. Of course, the same points can be put in different ways and with greater emphasis, but the points are the same. And a number of other hon. Members also desire to take part in the debate.

Shri Shiv Charan Lal (Uttar Pradesh): Sir, till now those who were opposing the Bill have been speaking. Those who want to support it have not yet got a chance to speak.

Shri Kamath (Madhya Pradesh): Let them first stand up on the floor of the House and say that they are in favour of the Bill and want to support it.

Shri B. K. P. Sinha (Bihar): Sir, will the supporters of the Bill also get a chance to speak?

Mr. Deputy-Speaker: I will call one hon. Member after another. When one opposing Member has spoken the next may be a Member who wants to support the Bill. But my difficulty is I am unable to find out whether the hon. Member standing up wants to support or oppose the Bill. Some hon. Members start with support and end with opposing the Bill. Others start opposing the Bill and end with supporting it.

Pandit Thakur Das Bhargava (Punjab): And what about those who neither oppose nor support the Bill?

An Hon. Member: They are neutral.

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): Sir, formerly debates were organised by the Whips arranging the speakers for and against a particular proposition.

Shri Kamath: No Whips for this purpose, Sir.

Mr. Deputy-Speaker: I look round on all sides and pick the Members for and against the Bill, as best as I can. I cannot do better than that.

श्री भट्ट : मैं आप से एक और आश्वासन चाहता हूं । समय बहुत ज्यादा हो चुका है इस बहाने से कहीं क्लोजर (closure) न मूव हो जाय ।

[**Shri Bhatt** (Bombay): Sir, I want one more assurance from you. Much time has already passed and it might not be taken as an excuse for moving the closure.]

Dr. S. P. Mookerjee (West Bengal): It is a matter of regret and disappointment that the first attempt made by the Government after independence, to consolidate the Press laws of India should meet with such an opposition, not only from many Members of this House, but from people outside. It is rather strange that the Press in India is practically unanimous in condemning the measure that has been introduced by the hon. Home Minister. And yet the Home Minister claims that this measure is a beneficial one and has been brought forward in the interest of the Press. I should have expected that in a matter like this, there should have been more consultation between the Government and the representatives of the Press, not only the Press, but also others who are anxious that the standard of freedom of speech and expression should be maintained at its highest level in free India. Unfortunately, the attitude of Government seems to be that whatever Government thinks right is right and proper. It suffers from a sense of megalomania, a sense of omniscience, that whatever it knows and says that it knows is final, no matter who the people are outside the Government who may be affected by such a decision. It is unfortunate that Government has not been able to extricate itself from the past traditions. Our foreign rulers in this country played a different role in controlling the Press in India. In fact it is very interesting reading how the Press in India has developed during the last 125 years. I do not wish to go into that matter. Some reference was made to it by my friend

Mr. Deshbandhu Gupta. It is rather interesting that Britishers who came to this country for purposes of trade and who settled in this country also at one time became the champions of freedom of expression—I mean those who were non-officials and were not connected with the British representatives in whose hands the administration of the country lay. We find just a few solitary instances of British Governors-General who tried to take courage in both hands and protect the freedom of the Press in India. One such figure was the ex-Governor General Metcalfe.

I do not wish to read a long extract from many of his speeches but the House will recall that as early as 1835 he decided to remove all restrictions on the Press and passed orders accordingly. The comment which he made is well worth repeating today, although more than 115 years have passed since he made those remarks and India has since attained complete political independence. In deciding to do away with all restrictions in existence prior to 1835 in this country he said:

> "Possessing as we do the unquestionable power to interfere whenever the safety of the State may be queried with overwhelming rapidity and energy, we surely ought not in quiet times to be constantly keeping the offensive form and ceremonial of despotism before the eyes of those whom nevertheless we permit to enjoy the substance of freedom."

I would ask specially the Prime Minister and the Home Minister, who are sitting so closely to each other, to analyse the significance of this remark, because that is also what the Home Minister said in his opening speech, namely that there is ample freedom enjoyed by the Press in the country today and all that they were doing was to take certain precautionary measures which, to use his own words, "will remain a dead letter and perhaps will never be put into operation."

Metcalfe continues:

> "It is acknowledged that in reality liberty is and ought to be the general rule and restraint the rare and temporary exception. Why then should not the form correspond with the reality? If India should be preserved as a part of the British Empire only by keeping its inhabitants in a state of fear and ignorance, our domination would be a curse to the country and ought to cease."

That was how Metcalfe enunciated his policy which within a few months was negatived by the East India Company Board sitting in London and Metcalfe was practically humiliated and recalled and was not allowed to get what he was entitled to. In fact in the letter which came to him from London he was quietly told that he suffered from an unwise desire to earn fame in India. That was one class of administrators who ruled in this country 115 years ago.

The other instance, a typical example, is of Governor Elphinstone of Bombay, who urged upon the then Government in India to tighten the grip of governmental control over the Press in India and in a very short and cryptic way he put his attitude thus:

> "If presses in India are free, we shall be in a predicament such as no State has yet experienced..... Is it possible that a Government avowedly maintained by the sword can long keep its ground in such circumstances?"

That was why he wanted to tighten the grip over the Press. But, alas, what is the subsequent history and what is the result ultimately achieved. If perhaps Metcalfe's viewpoint had been accepted by the Government which ruled this country, there might have been a different state of affairs. But the stricter the laws became the more vigorous and the more stiff became the opposition from the people and the Press and the ultimate result was that the British had to quit from India on the 15th August 1947.

Today I do not wish to deal with abstract principles. I am quite prepared to concede and I believe every one in this House and every rational Indian citizen will admit that there can be no absolute freedom of thought or expression in any civilised State. There must be some restrictions and they will have to be of a kind which will be to the benefit and for the safety of the country as a whole. No country has acknowledged that people should have unlicensed liberty to do what they like. In our own Constitution we have included some provisions. We had a prolonged debate only a few months ago when the amendments to the Constitution were made in this very House and some of us tried not

[Dr. S. P. Mookerjee]

to restrict this freedom unnecessarily. In any case that decision had been made and the Constitution stands amended as it is today. But at that time the Prime Minister repeatedly put forward the plea that all that the House was asked to do was to pass an enabling measure. I was going through his speech and I found that every time he spoke he emphasised this aspect of the Government's policy. He said in so many words "True, some restrictions were being imposed, but after all you are trusting your own Parliament. You are not passing any new laws just now" and he rightly said that when the time came to pass laws consistent with the amended provisions of the Constitution and if Government then claimed to itself more powers than what it should have, then and only then should people obstruct or oppose the law. That time has arrived today. The Bill before us has to be decided from this standpoint and this standpoint alone.

Is this Bill really necessary, is it really justified and does it take away the inherent rights of the people or does it affect prejudicially the freedom of the Press? Whatever I am going to say will be related to this primary and essential consideration.

The Home Minister claimed that in the Bill he has introduced he has given to the Press of the country a number of boons.....

An Hon. Member: Baboons!

Dr. S. P. Mookerjee: He mentioned what they were. Pre-censorship has been taken out. There will be no question of demand of security before publication and also there will be no ban on circulation. May I ask him in all seriousness, did he do these things out of a sense of charity or generosity? Did he become virtuous by conviction or did he become virtuous by necessity or compulsion? These are all matters in respect of which the Supreme Court and the High Courts in India have held that under the Constitution as it stands none of these restrictions can be imposed by Government on the Press. Any law which seeks to impose any such restriction is *ultra vires*. So, what the Home Minister has done is merely to translate into action judicial decisions which, even if he wishes it, he has not the right to ignore or to flout.

A few other things he has done; let us not in the heat of the moment forget the good points which are mentioned in this Bill—I shall say, the apparently good points—and let us ask ourselves how far they meet the exigencies of the circumstances. One important change which has been made is that no order can be passed by executive fiat. Some speakers during the last few days made some strictures on the judiciary—I shall not follow their example; I believe that if there is any hope for sound democratic Government in this country it will be to strengthen our judiciary, and I do not think that there is any ground for any of us making the assertion that our judiciary has deliberately failed to discharge the heavy and onerous responsibility which has been cast upon it. Here the scheme which has been suggested in the Bill proposes that every matter will have to be considered by a sessions court. So far so good. This is some protection, undoubtedly, because I do not believe that any executive authority will dare recommend any case for adoption by a court unless it can stand the test of some scrutiny. But there is one big loophole here. What is the judiciary going to do? The judiciary is bound to interpret the law that you are passing—it is not possible for the judiciary to invent new laws. You give the power to the judiciary with one hand; at the same time you tighten the provisions of the law to such an extent that with all the goodwill on the part of the judiciary it will not be able to uphold the freedom of the Press in the way in which one would like it to do. I shall examine this question presently and I shall take the House through some of the provisions which have been included in the Bill which are extremely retrograde and reactionary in character.

But the question has to be looked at from a wider point of view. The question which we have to consider is: do we or do we not approve of this scheme of demand for security, forfeiture of security and penalty imposed in case security is not paid? This scheme of demand for security is something which is reprehensible and those of us who are opposing this Bill feel very strongly that the entire framework of the Bill is defective because this obnoxious penalty was adopted under circumstances which do not exist in free India today. What is the history of the Press movement in India? It was really a struggle between the ruler and the ruled, and

you will find that on every occasion when the representatives of the people made demands in furtherance of their national objective, namely the attainment, although it is a free Government came forward on some pretext or other and tightened the laws for the purpose of preventing a free expression of opinion in this country. That is the history, that is the background, and unfortunately the present Government, although it is a free Government,—it represents the free people of India—has not succeeded in extricating itself from the ignoble influences of the past. I would have expected that instead of asking itself as to how to maintain somehow the oppressive structure which a foreign Government had devised for the purpose of crushing political freedom, the Prime Minister or the Home Minister should have sat down and with a completely open mind asked themselves as to what sort of protection was really necessary in the new context of things in relation to the needs of free India. Why are you thinking in terms of demand of security, forfeiture of security and penalty in case of security being not paid? Can you find out, in reference to the laws in any country in the world, barring a few backward countries, where such provisions exist? I have not been able to find it out. I have been going through the laws which are in existence in the different countries and barring one or two cases where also the provisions are not so rigorous as are proposed to be made under the Bill, there is no country where such an obnoxious provision is to be found in its penal laws specially during normal times.

The other consideration of a general nature which we have to discuss is this: does India want special Press laws, or is it sufficient that the Indian Press should be governed by the ordinary law of the land? This is a question of substance, a question of principle. In our Constitution we have not mentioned the expression "freedom of the Press"—we have simply said, "freedom of thought and expression". What is the reason? The reason is we did not deliberately want that our Press should be given something which we are denying to the ordinary citizens. This is nothing uncommon. You refer to the English law and there it has been repeatedly said that the Press enjoys freedom to the extent that any individual citizen in Britain enjoys freedom. If the Press violates any provision of the law be it of a civil nature or of a criminal nature, the Press will be bound by its consequences and will be subject to such provisions. There is no question of any special Press laws and it is for serious consideration whether in our country the need has arisen to have separate Press laws for governing freedom of the Press. I can understand if it is the intention of the Government to give to the Press something more than what the normal laws will give to the ordinary citizen; if we want to clothe them with greater freedom, I can understand Government bringing forward a special Press law for that purpose. But what is it that you have done? You have brought forward a measure in which you have provided various sorts of penalties and punishments. And in addition to that, under clause 32 you have laid down that this will be no bar to Government proceeding against any offender in accordance with the ordinary provisions of the law. When Rajaji the other day tried to make out the point that he was giving something which was of special benefit to the Press, I do not know whether he was in one of his peculiar, jocular moods—it is very difficult for ordinary people to read into his mind—he knew very well that he was not doing anything of the kind, he was only forging new fetters, additional threats and laying down that any person who violates the provisions of this Bill will be also liable to be punished under the ordinary law. What, then, I ask, is the special privilege which is being given to the Press? Not only are the newspapers affected but this affects the keepers of all printing presses and writers of all books. We have been talking during the last few days in relation to the freedom of the Press alone, but it is not the freedom of the Press alone; any writer of any book or article may be governed by some clauses of this Bill. Therefore, it is capable of a much wider application.

Now, what does this Bill seek to do? This Bill is really a revised version of the notorious Press Act of 1931. It is nothing more and nothing less than that. Even if there is some provision changed here and there, I would describe it as the same mailed fist covered with a little velvet; the mailed fist is there nonetheless.

It is an irony of fate that the Press Act of 1931 was under discussion in this very House just twenty years ago. It was during this same week in September in 1931 that that Act was under debate and I do not know whether the Home Minister has refreshed his mind with the speeches

[Dr. S. P. Mookerjee]

which Sir James Crerar had made sitting somewhere there on the Treasury Benches and tried to compare himself standing before a mirror and find out whether he looked better or worse in the present context of things.

The Minister of Home Affairs (Shri Rajagopalachari): The hon. Member is taking unfair advantage of his being on the other side. He could have been here too.

Dr. S. P. Mookerjee: I can assure the hon. the Home Minister that if I had been there, then this Bill would not have come. This much assurance I can give.

Shri Sidhva (Madhya Pradesh): We doubt very much.

Shri Rajagopalachari: I was only referring to the mirror.

Pandit Thakur Das Bhargava: We had to pass measures in 1947 which were much worse and the hon. Member was a party to them.

Shrimati Renuka Ray (West Bengal): And he then supported them from the Treasury Benches.

Shri D. D. Pant (Uttar Pradesh): There was another reason.

Dr. S. P. Mookerjee: Forget not all that ultimately culminated in my coming out of the Treasury Benches. Will the hon. interruptors follow my example even at this late stage? Let us not go into those facts. I can explain some other time for what reasons I came out, if some hon. Members do not yet know them.

Now, let us go back to the 1931 Press Act. There Sir James Crerar made a very serious attempt in making out his case that that was no ordinary piece of legislation; that the Government was not proud of what it was doing, but that it was forced to bring forward that Bill, because there was terrorism in the country and there was open violence preached and practised in many parts of the country that civil disobedience was being threatened and Government felt convinced that as an emergency measure it could not but bring forward such a piece of legislation.

Now, the present Home Minister has stated a number of times in his speeches that no emergency exists in the country today. He has stated that he has no intention to operate the provisions of this Bill against the Press or against anybody. He has stated that perhaps it will remain a dead letter. He has stated that large sections of the Press can be trusted, but there may be some black sheep here and there. Black sheep are moving about everywhere; not only in the Press but wherever there is a combination of human beings there are some black sheep and according to the latest interpretation of the Home Minister there are some monkeys also.

An Hon. Member: And not elephants?

Dr. S. P. Mookerjee: We have to ask seriously whether conditions exist in the country today which justify the introduction of such a measure?

Babu Ramnarayan Singh (Bihar): No.

Dr. S. P. Mookerjee: In whose interest is this measure being brought into existence? If it is being brought into existence for the benefit of the Press and if the Press says unitedly that it does not want it, why should Government force this measure on the Press or on the public? Government has clothed itself with ample powers to deal with any development, whether in peace time or in times of emergency.

Let us consider this Bill broadly from the point of view of its provisions. Does it incorporate provisions which are of a worse character than what were in existence in the 1931 Act, or have they been simplified? It is rather interesting to compare the provisions of the 1931 Act and the provisions of the present Bill in relation to the definition of what is called 'objectionable matter'. Section 4 of the 1931 Act laid down a number of items, some of which have been omitted from the new Bill but a number of things have been added. The sheet-anchor of the Home Minister's arguments is that nothing can be done without the sanction of the judiciary.

but the judiciary would be bound by the definition of 'objectionable matter' as given in clause 3 and the provision in clause 3 is of such a wide character that it is capable of including anything which may otherwise be regarded as a legitimate expression of criticism of governmental policy. In fact, the Home Minister with his usual shrewdness knew that this was so and he tried to give an interpretation of his own to it. He said that Government wanted to help the Press. How? By giving a long list of possible abuses, abuses which may not be existent today and therefore the list has been drawn up in this comprehensive manner. Is that an excuse? Is that an explanation?

Shri Rajagopalachari: Is he quoting my words?

Dr. S. P. Mookerjee: Yes. I am quoting his words so far as I was able to take them down. He said, "Abuses may not be existent today, but a list should be published for the benefit of the people". Is that an excuse? It is not a list of exhibits that you are putting up in the corridors of the Secretariat. You are passing a law. You are making some new offences and if the offences are of such a wide character, then any one who infringes any portion of each one of such offences will naturally be hauled up before a court of law.

But there is one significant omission from Clause 3. Yesterday, there was a discussion relating to section 124A. I am not referring to that section as such, although I would certainly refer to the expression of abhorrence of the Prime Minister in respect of this section. Somebody asked yesterday when this section was incorporated. The House should know when it was incorporated. It was incorporated after the famous case of Bal Gangadhar Tilak. It was not there in the original Penal Code, but after that famous case when that great patriot stood for the liberties of the people and suffered imprisonment therefor, the British Government enacted section 124A. At that time the Member in charge explicitly stated that he was not bringing forward any special Press law, but he was simply amending the Indian Penal Code so that not only people connected with the Press but anybody outside who was guilty of sedition, as sedition was then understood, would be liable to punishment.

Under the 1931 Act the main gist of 124A was included in section 4 thereof, namely, sedition. In the present case, the language has been modified. I must say that the definition of the offence equivalent to sedition under section 124A is somewhat lesser in character in the new Bill and that I believe gives us the picture of the amendment of section 124A that may come according to the announcement made by the Home Minister yesterday. Here the words are "to incite or encourage or tend to incite or encourage any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area..."—let the House mark the significant addition of the words "its authority in any area" which were not to be found either in section 124A or in section 4 of the 1931 Act.

Mr. Deputy-Speaker: It is said "by violent means".

Dr. S. P. Kookerjee: But "affect its authority in any area"—that is what it adds.

Shri Rajagopalachari: Not "affect". The word "authority" is governed by the same verb "undermine and overthrow".

Dr. S. P. Mookerjee: I do not wish to digress and go into details. The whole point is this is a significant addition. Section 124A that is in existence today is thus deliberately made wider in some respects. There is also a very important omission—I would like to ask Government whether it is deliberate or accidental—in the Bill which has been placed before the House. In section 124A a list of explanations is given. According to section 124A anyone who commits any one of those acts mentioned therein will be liable to be deemed guilty of sedition. The same is the case in regard to section 153A—class hatred. But in every case explanations are attached and they protect bonafide criticisms to some extent.

I shall leave aside section 124A for the time being. It is signicant that similar explanations were attached to section 4 of the 1931 Act and it is significant that such explanations have been omitted from clause 3 of the new Bill which is under consideration today. Not that the explanations were of any great value, but still the expla-

[Dr. S. P. Mookerjee]

nations were, to some extent, indicative of the desire even of the foreign Government that they did not wish to restrict all criticism of Government; so long as certain limits were not exceeded criticism could be made and that is how, as the hon. the Home Minister is aware and you also are aware, in many celebrated cases independent judges took advantage of the explanations and thereby did not punish the alleged offenders whose only crime was the expression of public opinion in relation to political rights of subjugated India.

Mr. Deputy-Speaker: Violence is not necessary there.

Dr. S. P. Mookerjee: I am not talking of violence; I am talking of the omission of the explanation.

Mr. Deputy-Speaker: To that extent is it not restricted?

Dr. S. P. Mookerjee: The explanations related to a number of clauses.

Mr. Deputy-Speaker: Here it has been restricted to cases of violence.

Dr. S. P. Mookerjee: That is only with regard to part (i). In some other parts violence is not an ingredient. Now take part (iii) "incite or encourage any person"—just see the nature of the clause which has been deliberately included; I would specially ask the Prime Minister to pay his attention to part (iii) of clause 3:

> "incite or encourage any person to interfere with the administration of the law or with the maintenance of law and order or with the administration of laws regulating the supply and distribution of food or other essential commodities or services;"

There is no question of violence at all here. If you make a speech or write an article asking the Government to revise its policy in respect of certain laws which the Legislature or Parliament might have passed, or in respect of administration of certain laws affecting food, etc., then you are liable to be governed under this clause. The same thing arises with regard to part (vi):

> "tend to promote feelings of enmity or hatred between different classes or persons in India;"

There is no question of violence at all involved. In the 1931 Act the wording was "to promote feelings of enmity or hatred". Here the wording is "tend to promote feelings." What I am showing is that while the hon. the Home Minister claimed that he has liberalised the provisions of the 1931 Act, the reverse has been the case so far as the actual Bill is concerned.

Now, the explanations in the 1931 Act had no reference to violence as such. What the explanations protected was legitimate expression of opinion in relation to matters which were otherwise governed under the main clause. I do not wish to go through the text of all the explanations but I would like to read to the House one or two of them For instance Explanation 3 reads:

> "Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section."

Explanation 4 reads:

> "Words pointing out, without malicious intention and with an honest view to their removal, matters, which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty's subjects shall not be deemed to be words of the nature described in clause (h) of this sub-section."

In most of the important clauses certain exceptions were contemplated, so that there might not be a rigorous banning of honest expression of opinion in respect of such matters.

I was just looking through the provisions in other countries. I came across a similar provision in the law of Canada which in a very short space explains the position in a way which is consistent with the welfare of the country and at the same time which protects the needs of legitimate expression of opinion. There also there is a law governing sedition and the explanatory clause runs like this:

"No one shall be deemed to have a seditious intention only because he intends in good faith,

(a) to show that His Majesty has been misled or mistaken in his measures."

That much of liberty is given to the people. You can go on criticising His Majesty's Government and even show that they were misled or mistaken:

"(b) to point out errors or defects in the government or constitution of the United Kingdom..."

Very often it is claimed that any one who criticises the Constitution is a traitor, but in Canada the provision is that people can criticise the Constitution, provided it is done in good faith and for the purpose of securing its alteration:

"...or any part of it, or of Canada or any province thereof, or in either House of Parliament of the United Kingdom or of Canada, or in any legislature, or in the administration of justice; or to excite His Majesty's subjects to attempt to procure, by lawful means, the alteration of any matter in the State; ".

Mr. Deputy-Speaker: But it excludes breaking of law.

Dr. S. P. Mookerjee: No one asks for legalising breaking of law. Under our Bill, if you say anything which may interfere with the administration of law, then immediately you will be governed by this clause. If you break the law, you must of course be prepared for its consequences. Then the ordinary law will apply and the Penal Code will come into operation.

Shri Rajagopalachari: I do not wish to interrupt the hon. Member. I shall answer all these points.....

Dr. S. P. Mookerjee: I hope the answer will be once and for all.

Part (vi) reads:

"tend to promote feelings of enmity or hatred between different classes or persons in India; ".

There is a similar provision in the law of Canada, but public criticism is thus protected:

"(c) to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred and ill-will between different classes of His Majesty's subjects."

Here, my point is this. The way in which you have drawn up clause 3 practically prohibits—if Government so chooses—any legitimate and honest criticism of important actions of Government—matters of policy and administration which affect not only the Government as such but affect the interest of the masses of the people. It is of a most dangerous character coming just at this time on the eve of the General Elections. All these are of such a sweeping character that it will practically make your Press completely subservient. They will be muzzled, completely muzzled. Or they will have to break the law and create conditions which cannot be considered to be satisfactory by any responsible Government. Why should you force the Press or the people of your country to such a dangerous predicament? As I have said at the beginning, no one claims that there should be unbridled freedom given to the Press or to any individual. The broad limitations have been laid down in the Constitution. Much as some of us disliked the amendments which have been made, the Constitution is there. But now when the time comes for Government to frame laws in accordance with the provisions of the Constitution, why are you making them more rigorous than what the circumstances of the case require? That is the question. Here you are saying in one breath that you are removing the 1931 Act, that you are repealing certain Acts. But it is not a question of your repealing something. The question is what are you substituting in lieu thereof? What you are bringing in there, in my humble opinion, is entirely against the interests of the people.

So far as the inclusion of the words "grossly indecent" or "scurrilous" or "obscene" is concerned, well, the Home Minister was right that perhaps even this will not help him in stopping what he considers just at the present moment to be an undesirable state of things, because it will be very difficult for one to know what is "grossly indecent" and what is only "indecent". This Bill is an indecent Bill. But is it grossly indecent or simply indecent? It is a question of degree, and it is very difficult for any court to come to any conclusion as to where exactly the law should operate and where it should not.

Apart from the definition clauses in clause 3, which has been unnecessarily broad and wide, the whole structure of the Bill is open to very serious objection. What is it that you are doing? You are not punishing the

[Dr. S. P. Mookerjee]

individual as such. I am not suggesting for a moment that if a man violates the law he should be protected. You lay down what you want in your ordinary law, and if any man violates it let the court decide whether the violation is there or not. But this sort of vicarious responsibility is archaic and arbitrary and has been condemned by all right-thinking men in the civilized world, including the Prime Minister in his autobiography. (*An Hon. Member*: It is an old book!) Everywhere it has been condemned that this is a sort of thing which should not be kept on the statute book of any country in any part of the civilized world. Then why are you doing it? What is the need for it? What exactly is the structure that you have put up? Whom are you going to punish? The man who is owning a press may be an innocent man. Will he keep an Attorney-General, an Advocate-General or a lawyer? With regard to any book, leaflet which comes to be printed in a small press in this vast country he will have to first satisfy himself whether this particular article is objectionable or not under the wide and sweeping provision of clause 3. You are not punishing the writer alone but the owner of the press also. I can understand even your punishing the owner of the press if he also happens to be the publisher of the book—if he also has a press like that which Mr. Goenka owns. If he does both he will know that he will lose his publication as well as the press. (*An Hon. Member*: And his job). Not his job, fortunately. Here you are punishing a third party. And in what way? If the security is not paid then you practically take away the business from him. You will not allow him to carry on his trade.

Shri Goenka (Madras): Why practically?

Dr. S. P. Mookerjee: You do it in theory and practice, both. Under clause 6(2) the provision is that the entire press may be forfeited and there is no provision for appeal. I am speaking subject to correction. The Home Minister will please correct me immediately if I am wrong.

Shri Rajagopalachari. There is always an appeal.

Dr. S. P. Mookerjee: Let him study it a little and then contradict me.

Shri Rajagopalachari: It will be done in the Select Committee.

Dr. S. P. Mookerjee: That is all right. it will be altered.

Shri Rajagopalachari: The *study* will be done in the Select Committee.

Dr. S. P. Mookerjee: This is very reassuring that the Home Minister introduces a Bill now and will study it in the Select Committee!

Shri Rajagopalachari. I beg your pardon, Sir. He was asking me to study the provisions of the Bill for which I was responsible. And in all humility I say "We shall do so in the Select Committee". The detailed study—if there is any mistake or lacuna or anything like that—will be done there. Is there anything wrong in it?

Dr. S. P. Mookerjee: What I was referring to was clause 6(2). I am not referring to the Home Minister. And there it is laid down that if the press does not deposit the security as required under clauses 4 and 5, then the entire printing press is liable to forfeiture. Clause 22 lays down the provision for application to the High Court to set aside orders and there is no reference there to clause 6 (2). In other words, if a press is forfeited, then there is no remedy whatsoever. The press goes. This is only an indication of the nature of the provisions of the Bill.

Pandit Thakur Das Bhargava: May I just point out to clause 22(2) which provides a remedy?

Dr. S. P. Mookerjee: I have seen that. But that is if the press had been used in contravention of the provisions of the Act. That I thought was entirely different and it had nothing to do with clause 6(2). In any case...

Pandit Thakur Das Bhargava: The wording is "in contravention of *any* of the provisions of this Act".

ملسٹر آف ایجوکیشن (مولانا آزاد):- اپیل اس کی ہو سکتی ہے -

[**The Minister of Education (Maulana Azad)**: It can be appealed from.]

Dr. S. P. Mookerjee: In any case it is a matter which has to be re-examined.

Shri Kamath: It will be done in the Select Committee.

Dr. S. P. Mookerjee: There is a provision for the appointment of jurors. The jury system is not being introduc-

ed for the first time in this country. I personally do not like that this Bill should be operated by a system of divide and rule. It is not a question of some Pressmen being satisfied or not whether the law has been infringed or not. If really Government wanted that representatives of the Press, the responsible section of the Press—which the Home Minister and the Prime Minister have repeatedly said is really the bulk of the Press in India today—if really Government wanted that it should rely on the wisdom of such representatives, then an entirely different structure should be drawn up. It is not a question of some selected Pressmen being brought into the jury box and advising the sessions judge on matters of fact in order to help him to apply the rigorous provisions of the law that you are passing. If it is intended that the Press itself should exercise a salutary check on some sections of it—black sheep as the Home Minister said—then, as the Prime Minister indicated in one of his speeches in connection with the amendment of the Constitution, some sort of authority may be set up which should be given advisory powers, or which should be clothed with necessary powers and Government should act on its advice. It is not a question of passing any penal law. It is a question of creating healthy conventions so that matters of violation of normal press rights, which do not involve a violation of the ordinary laws of the country, which cannot be governed in accordance with the provisions of the Indian Penal Code, can be referred to this authority on every occasion and proper functioning of the Press ensured. It is of the utmost importance that the Press should be allowed to go in its own way. It is a safety valve. I do not wish to read out quotations. In fact, the largest quotations, if I have to read out, will be from the Prime Minister himself. One such quotation was read out by Shri Deshbandhu Gupta yesterday We have to weigh the balances. Are we gaining anything or are we losing anything by passing this Bill? The Prime Minister said the other day that his definition of statesmanship was of a particular kind and he said that his statesmanship envisaged not today, not tomorrow, but what happens later on. But what is it that you are doing? Does this Bill indicate the type of statesmanship that the Prime Minister said that he was capable of—that he is looking well into the distant future and ensuring how free public opinion should express itself in this free country? We are unfortunately always bound by the old rusty traditions, traditions of the British rule. They had manufactured weapons under various historical circumstances for the purposes of smothering public opinion in this country and for that purpose they created a structure of their own. It will not do to tinker with the problem. You have to look at the matter entirely from a different angle of vision and my regret is that Government has failed to do so in this vital matter. What is it that you should have done today? Only a repealing Act, nothing else was necessary. You repeal those laws which have been declared to be *ultra vires* by the Court in accordance with the provisions of the Constitution and you repeal certain other provisions which you honestly feel are obnoxious and should not remain on the statute book, which are a blot on the fair name of any free country. Then, you consider the ordinary laws of the country. Are the present laws sufficient to meet the exigencies of the circumstances? If you feel that certain new offences are to be created for meeting certain special circumstances, then you embody those provisions in your Indian Penal Code or in any other existing law of the country. But you are for the first time introducing a comprehensive Press law in free India and that is being done in accordance with the spirit which is highly objectionable and derogatory to national honour and national interest. That is my complaint.

If it is not too late, I would certainly urge the Government and ask that the Bill may be suitably amended only to keep the repealing clause intact. After all the powers which Government now has in hand are wide and ample enough and if the hon. Home Minister is true to his assurance that he has no desire to misapply those powers whether under this Bill or under the existing law, let him repeat it and act up to his assurance. Let not the powers which exist in the hands of Government be abused. Meanwhile, let there be more consultation; let us sit round the table. This is a matter in which Government alone is not interested. Everyone of us is interested in it. Let us see how to regulate the conduct of free expression of opinion in a manner which will safeguard individual rights and at the same time which will not be derogatory to our national interest. I hope the Prime Minister and the Home Minister even at this late hour will listen to this appeal for a reasonable consideration of this momentous measure. Of course

[Dr. S. P. Mookerjee]

the House will pass it, because here there is a willing majority and if the order goes, the Bill will be passed either in its present form or in such form as the Prime Minister and the Home Minister may desire it to be passed. But that is not democracy; that is not acceding to public opinion. If we have made out a case that changes which have been made are unnecessary and retrograde, that today there is no need for such a bill, if there is a strong outburst of public opinion throughout the country, then why should you hurry with this measure in this way?

Lastly, with regard to the speeches which have been made on behalf of the Press, I congratulate Shri Deshbandhu Gupta on his brilliant exposition; he explained the whole thing elaborately, but I would beg of him and say this: Let the Press stand united on its own rights and not cringe before the Government, whoever the Government may be. It is no use making strong speeches here and doing something else somewhere else. (Hear, hear). It will be for the Press to make up its mind as to what it wants to do. I have nothing to do with the Press but if I can give a very simple advice and a simple solution publicly, it is this: If the Bill is forced on the statute book against the united wishes of the Press, let the Press decide to follow the policy of non-violent non-co-operation. Do not give any publicity to any speeches or statements of any Minister, even of the Prime Minister. Do not be afraid; let there be a complete blackout: you do it for seven days and not even for a fortnight and you will see...

Shri Goenka: It will not be in conformity with the carrying out of the duties of the Press. After all, we owe an obligation to the public.

Shri Rajagopalachari: I appeal to you, Sir, we are going into a different field. This seems to be a different quarrel. I would beg of the hon. Member not to do it. I was looking around whether Shri Deshbandhu Gupta was here. I now find him here, but it is quite unfair to bring in a totally different matter and insinuation and start a new attack and invite a defence. Where have we the time to go on in that way?

Dr. S. P. Mookerjee: I have no desire to take an unfair advantage of anybody. I hope this appeal of the hon. Home Minister made at the very right moment may produce some favourable results for him, but it is neither here nor there.

Shri Rajagopalachari: I am sorry to say this; I am a great admirer of Dr. Syama Prasad Mookerjee but he will try to avoid such insinuatory remarks.

Dr. S. P. Mookerjee: I am sorry, I did not make any insinuation at all. I am asking in all seriousness, what can those who oppose this Bill do if Government today decides that in spite of all opposition the Bill should be placed on the statute book?

Shri Rajagopalachari: On a point of order, I do not think that it is right in the course of the discussion of the Bill to speak of how we should make the Bill infructuous. He may deal with it later outside and not in Parliament.

Dr. S. P. Mookerjee: I am surprised...

Shri Rajagopalachari: I am clear in my mind and I appeal to the hon. Member to agree that if a Bill is discussed in Parliament, the merits of the Bill should be discussed. As to what should be done if the Bill is passed by a majority is a matter legitimately for people to discuss outside the House and not legitimately in a debate on the Bill in Parliament.

Mr. Deputy-Speaker: I am afraid the hon. Member ought not to say what ought to be done to make the Bill infructuous. I understood the hon. Member to say that others might do so and therefore it might become infructuous. Anyhow this matter need not be proceeded with any longer.

The Minister of State for Transport and Railways (Shri Santhanam): Is it open to any hon. Member to suggest to any person to break the law which is passed by Parliament?

Shri Goenka: Certainly.

Pandit Maitra (West Bengal): I hope, at any rate, the Prime Minister will not support that interruption from Mr. Santhanam.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is open to an hon. Member to do that and face the consequences and the consequences are many. But to do that outside is one thing. To do that in Parliament, I would submit, is something very near contempt of Parliament.

Dr. S. P. Mookerjee: Let me make a submission. I was reading some of the old speeches which were made by stalwarts of those days including Pandit Motilal Nehru, Pandit Malaviya, Lala Lajpat Rai and others in which they described similar laws as lawless laws which have been forced on the

statute book and an open challenge was thrown out that those laws would be rendered a dead letter if they were passed by the Legislature. Are we to understand that in a free country we are to be impeded in expressing similar opinion even before the Bill is passed into law? After it is passed into law, the provision is there. If the law is violated, the consequences follow. Have we not even the right to say before the Bill is passed into law that if such a measure is passed, in spite of strong opposition outside, it will lead to serious consequences and people will not respect it? Where is the harm in saying it? Because this may warn you...

Shri Rajagopalachari: The form in which the hon. Member has made it is perfectly right but the form in which he made it then was perfectly out of order.

Mr. Deputy-Speaker: With all respect to the hon. Member, to say here that if the majority is not convinced with his argument and still it finds it is wholesome and the measure ought to be passed, he would advise the Government from the floor of this House here and advise the people outside to break this law is not doing justice to this House. He can say that this law is such and unfortunately the people may not accept it. That is another matter and that is the way in which he has put it now. The manner in which he started gave rise to this kind of doubt. I, therefore, appeal to him not to say anything from the floor of the House which will create a misunderstanding. After all democracy goes by the rule of the majority and the minority has got a right to convert the majority to its view but it has no right to say that in spite of the fact that the majority does not accede to the view and however reasonable that might appear, that he will go and see to it that it is broken outside, that I do not think will be just to this Parliament.

Whatever law may be passed, it is open to him to say that it is objectionable and that people may not accept and so on but to say that even if this is passed, he will go into the country and see that it is broken is not proper.

Shri Rajagopalachari: I would not have taken the time of the House by interrupting and raising a point of order, had it not been framed in the manner in which it was framed. It was definitely pointed to members of the Press here that they are doing something here and outside they are doing something else and an appeal was made to them and that was where I interrupted, that they should offer non-co-operation. I submit that that is not in order and would not add to the prestige of Parliament.

11 A.M.

Dr. S. P. Mookerjee: I have not referred to a general policy yet. I did not say non-co-operation with the Government as such, although I might have said it. I simply said non-co-operation so far as Ministers' speeches were concerned. That is what I said. If.....

Shri Rajagopalachari: I have the least objection to that; I want that non-co-operation so far as I am concerned.

An Hon. Member: What about others? (*Interruption*).

Mr. Deputy-Speaker: Order, order. That matter is closed.

Shri Deshbandhu Gupta (Delhi): If I may interrupt the hon. Member for a minute...

Dr. S. P. Mookerjee: I am finishing.

Shri Deshbandhu Gupta: One second. The hon. Minister said that we were doing something else outside while fighting the case here.

An Hon. Member: No; not the hon. Minister.

Shri Deshbandhu Gupta: I said Member; not Minister; I am sorry. I want to point out to him that the Press of India has always put the interests of the country first and it will continue to do so in any situation in spite of what the Government does against the Press. If the interests of the country demand that we should adopt a certain course of conduct, the Press of India will certainly do that while we will fight for our rights and for the freedom of the Press.

Dr. S. P. Mookerjee: I am very glad to get this assurance. I shall now conclude by saying that this measure should be examined in an atmosphere of coolness and calmness. I did not wish to provoke an interruption from the hon. Home Minister.

Shri Kamath: And the Prime Minister.

Dr. S. P. Mookerjee: Or the Prime Minister. I quite realise that the hon. Home Minister honestly feels that such a Bill should be placed on the statute book. In fact he was apologetic and while moving the motion he said that there was no occasion for applying it and, in fact, he hoped that it would remain a dead letter. He expressed his

[Dr. S. P. Mookerjee]

fear that some provisions may be incapable of application in a court of law. If these were the comments made by the Mover himself, why should the Government proceed with this Bill at all? I put it in this way. Some provisions of your existing law are adequate, in fact, more than adequate, to meet the purposes. If an emergency arises, you can draw upon your emergency powers and pass an Ordinance and do whatever you like. But, for ordinary purposes, the existing Indian laws, so far as regulation of the Press or controlling the expression of thought or opinion is concerned, are more than adequate. Rather they should be applied in a spirit of liberalism. If that assurance is given by the Home Minister and then if we spend some time in going through the provisions of the Bill and try to bring out a revised Bill, or amend the existing laws of the land dealing with ordinary offences, it will create a very healthy atmosphere throughout the country. Trust begets trust; suspicion begets suspicion. That is my appeal to the hon. Home Minister. The Home Minister knows better than anybody else that the usual effect of hurrying through such measures and enforcing them against the will of the people has been disastrous to any Government. Discontent spreads and goes underground. Some people have asked, does it not make some difference that today we have a national Government and not the old alien Government. That is not so. You read the history of freedom of the Press in every part of the world. You will find that the anxiety of the people to protect their legitimate rights has been as strong as it had been in the case of those who remain under foreign domination. These are inherent rights which we enjoy under the Constitution, no matter who the Government is. The tyranny of the majority may become unduly oppressive. In fact, there is a greater risk of misapplication of these laws because we have a party Government today. It is quite possible, in spite of assurances of individual Ministers, that these provisions may be rigorously applied against political opponents or for suppressing criticisms.

Shri Sondhi (Punjab): And the Ministers may not be there long.

Dr. S. P. Mookerjee: It is for this reason necessary that we should frame laws which are fully justifiable in the existing state of affairs, and for which posterity also will bless the Government. The tables may be turned. The Government of today may sit in the opposition tomorrow. Does the Government or any Member connected with the Government look forward to being placed in a position where these laws will be applied against them? The need for maintaining an independent Press—I am not saying a Press which will abuse its powers—but an independent Press in a country such as ours, where there is so much popular discontent, is obvious. You will be cutting at the very root of the fundamental rights by rushing through a measure of this description. That is what I meant when I sounded a note of warning to the Press. Very much lies in the hands of the Press. We had the cases of Shri Surendra Nath Banerjee and Bal Gangadhar Tilak and so many other patriots who suffered and suffered against the wrath and fury and fume of the Government of the day. Are we to be told today that the Press is powerless, has no means of protecting its rights? If the Press remains firm, in spite of this law, its provisions can be nullified and public opinion can be mobilised to such an extent that the Government will be compelled to bend its knees and do what is right and proper.

Shri Shiv Charan Lal: I have, for the last three days, listened to the speeches made by my hon. friends against the Bill. I tried to read and read again not only this Bill, but the other Acts which are in vogue at the present time and I tried to find out what is there on which they have tried to base their speeches and why they have opposed the passing of this Bill. There are two parts of the Bill. First, there are at present certain laws which are governing the Press. Do you agree with these Acts? Do you think that these Acts are not cutting at the roots of your freedom? Certainly, there can be no two opinions about that. You look at the Schedule in the Bill. You find that at present so many Acts are governing the Press: there is the Indian States (Protection against Disaffection) Act, 1922, there is the Press (Emergency Powers) Act, 1931, there is the Foreign Relations Act, 1932, there is the Indian States (Protection) Act, 1934. There are certain other Acts applied in the different States. There are other Acts whose provisions have been repealed. By this Bill all those Acts are being repealed.

Shri Deshbandhu Gupta: The States have already been liquidated. This question does not arise.

Shri Shiv Charan Lal: My hon. friend says that these Acts have been liquidated. They are still on the

statute book. I may tell him that only a few months back I fought out a case in the Allahabad High Court under the Press Act of 1931. I do not know how they have been liquidated. Even now, we have to face these Acts.

Shri Deshbandhu Gupta: I said the States have been liquidated.

Shri Shiv Charan Lal: These laws are there. What about the Press (Emergency Powers) Act?

Shri Deshbandhu Gupta: Its liquidation, we want.

Mr. Deputy-Speaker: Let the hon. Member go on without interruption.

Shri Shiv Charan Lal: My hon. friend wants the liquidation of the Act of 1931. Therefore, in a way he agrees that the Bill should be there to repeal those Acts.

Now, the second question arises, whether there should be any restrictions on the Press or not. He may not agree with the provisions of this Bill. I may not agree with every provision of the Bill. There are certain provisions which are not necessary; there are certain provisions which are very necessary. That is a point to be considered at the time when the Bill goes before the Select Committee. But, it can be said without any contradiction that a Bill is necessary to repeal the Act of 1931 and to repeal the other Acts whatever they are. Therefore, my submission is this and the previous speaker Dr. Mookerjee also agreed with this at one time, that the Bill is necessary to repeal the old laws. Whether you want to impose any restrictions or not, and what restrictions have to be imposed is to be discussed in the Select Committee. If you feel there is no harm in allowing a person to incite people to commit murder or to commit sabotage, you may delete the concerned provision from clause 3. But let the Bill go to the Select Committee and be discussed there.

Certain speakers have said that the ordinary Acts now in force can deal with the Press and there is no need for such a Bill as this. But I say there are certain things which cannot be dealt with by the ordinary law of the land. For instance, if a paper publishes that any one who goes to Parliament should be mishandled when he goes to the bazaar or to the city, the ordinary law under the Penal Code or any other law cannot punish the editor of it or the press in which it is printed. In the same way, you have "incite or encourage, or tend to incite or encourage, any person to commit murder, sabotage or any offence involving violence;" and for this, under the ordinary law there is nothing to prevent a paper or publisher from doing any of these things. We do want some check on the paper to see that this sort of thing is not done.

If you look at the present Bill and compare it with the Act of 1931, you will find that it is a great improvement. The Act of 1931 is certainly a very cruel Act. There is the provision for demanding security even before the press starts working. And there are other provisions also which do not find a place in the present Bill. In short, except putting certain matters as "objectionable matters" and making them punishable, there is nothing in this Bill. In the Act of 1931 you had section 4 and other sections which put so many restrictions on presses and papers. They are not here in this Bill. Therefore, to my mind, this is a very fair Bill.

Pandit Thakur Das Bhargava: Which are the restrictive sections of the Act of 1931 which are not found here?

Shri Shiv Charan Lal: Section 30 of the Act of 1931 is not here, and there are other sections also which are not here. There is no use going into the details here, the hon. Member also agrees that many sections of the Act of 1931 are not here. For instance, only certain portions of section 4 have been taken here. Also sub-section (d) is not here and also a large portion of sub-section (f) has been left out. Those parts which are felt to be unnecessary have been left out. Moreover, great safeguards have been provided in this Bill. For instance, the matter will come before the sessions judge. And the judge will work in consultation with a jury which again will consist of people having experience of publishing things. And you have also the right of appeal to the High Court. And we know that during the last one and a half or two years, after the coming into force of the new Constitution, we have had the High Courts declaring so many Acts *ultra vires*. The courts act independently. They are not afraid of anything, and we are proud of our judiciary. Not only the High Courts and the Supreme Court, but even the district judges and the sessions judges work independently and give their own interpretations of the sections and we can be confident that they will surely see whether the matter published does come under the definitions or not. And then you have the right of appeal which is also a great

[Shri Shiv Charan Lal]

safeguard given here. You are not put under a magistrate. Shri Deshbandhu Gupta referred to a certain clause. But that I may tell him refers to a case where you have failed to give the security and yet go on publishing the matter. That is an executive matter and not a judicial one.

As regards the question of sedition, we already know that Government propose shortly to change section 124A which is certainly an objectionable section in the Penal Code. The sooner that section is taken out the better, and I think the Government also agrees on this point.

As to the sermon given by Prof. Bhattacharya about what democracy is and what we should do and all that, one can easily prepare such statements, but they have no reference to the provisions of the Bill.

It will certainly be agreed that there is a marked change in this Bill so far as the question of pre-censorship, control of publications etc. is concerned. Once section 124A is taken away from the Indian Penal Code, there is nothing to punish a paper or prevent a paper from publishing matter which is seditious. There is control of publications in the Act of 1931. But in the present Bill there is no control of publications.

While giving my full support to this Bill and while considering that it is a great improvement on the position of the Press, I may request the hon. Home Minister to consider one point connected with clause 3, part (iii) where it refers to "administration of laws regulating the supply and distribution of food or other essential commodities or services". With this provision I do not agree and would suggest that you may put in such strict measures at the time of an emergency, when actually an emergency arises. But for the present this provision is not necessary. If we do not agree with the control policy of Government, we should be able to go and preach in the papers and from the platforms that the people should not give grain where it is procured by Government, that the people should not help the control policy of the Government and so on. Therefore, it will be too much to allow this provision to remain in the Bill.

Then there is part (vii) which says:

> "...are calculated to put any person in fear and thereby to induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do:"

For such kind of offences there is already a provision in the Penal Code and I do not think there is any necessity to have such a provision as this in the present Bill. If a paper commits an offence of this nature, the provision in the Penal Code is there to punish it. So this part (vii) of clause 3, I suggest, may be removed.

With these remarks I support the Bill and I think it is necessary that it should go before the Select Committee as proposed by the hon. Minister.

Mr. Deputy-Speaker: Shri B. K. P. Sinha.

Shri Kamath: Have you a list, Sir?

Mr. Deputy-Speaker: Yes, I make up a list for myself.

Shri B. K. P. Sinha: To rise to support the Bill after the powerful oration of Dr. Mookerjee is to make an attempt to swim against a powerful current rushing headlong at a speed of 600 miles per hour and carrying away everything before it. Dr. Mookerjee, by his powerful oratory, has raised a cloud which it is difficult to dispel; but he has made a useful admission that democracy does not imply an absolute absence of restraint. Democracy implies a fine, a nice balance between liberty and restraint. It is in the light of this principle that we have to scan the provisions of the Bill and judge them.

It has been pointed out by the sponsor of the Bill and some other supporters that at least in three respects it is a great advance on the measures concerning the Press which are on the statute book at present. Precensorship is gone; the right to demand security comes in only after once an offence has been committed, even then, it is for the judiciary to determine whether security shall be demanded or not.

It was contended by the hon. Member for Delhi and Dr. Mookerjee lent his weight, his authority and powerful oration to the contention, that precensorship was taboo under the constitution; it was repugnant to the Constitution and even after the amendment it remains repugnant. I have to say with great respect that it is a misreading of the judgments of the Supreme Court. Since I find that Dr. Kunzru, one of the most cool-headed, erudite

and scholarly statesmen in the House is of the same opinion.....

Pandit Kunzru (Uttar Pradesh): What is the opinion I have expressed? I have not spoken a word on the subject.

Shri B. K. P. Sinha: But outside the House you have and I refer to it.

Pandit Kunzru: You have misunderstood it. All that I said was with regard to the Constitution before the amendment.

Shri B. K. P. Sinha: Even before the amendment pre-censorship was not repugnant to the Constitution. Mr. Deshbandhu Gupta referred to two judgments of the Supreme Court—Brij Bhushan and Ramesh Thapar. There there was a quotation from Blackstone which they have quoted with approval. In the Brij Bhushan case the point to be decided was whether pre-censorship which had been imposed on a paper which went by the name of *Organiser* was good in law. The contention of the defendant was that pre-censorship was a restraint on the liberty of speech which was guaranteed by article 19(1) of the Constitution. The Judges said yes, in view of the opinion of Blackstone and other writers pre-censorship was a restraint on the freedom of speech. But the next thing that the judges had to consider was how far this was saved by clause (2) of article 19. The Judges decided that it was not saved by clause (2) of article 19, not because pre-censorship in itself was bad but because no restraint could be put on the Press or for the matter of that on any individual in the interests of order. Restraints could be put in the interest of the security of the State but restraints could not be put in the interest of law and order and therefore they over-ruled the contention of the Government that that sort of pre-censorship was good in law. I might read a few words from the judgment of the Supreme Court. After quoting with approval the commentaries of Blackstone they say:

> "The only question therefore is whether section 1(c), which authorises the imposition of such a restriction falls within the reservation of clause (2) of article 19."

They go further and say:

> "As this question turns on considerations which are essentially the same as those on which our decision in petition No. 16 of 1950 was based, our judgment in that case concludes the present case also."

They have not delivered any judgment on this point. They simply refer to the case of Ramesh Thapar, where the question of pre-censorship did not arise at all. There the question was how far can the circulation of a newspaper be prevented in a State, because the Madras Government had passed an order to that effect. That question was decided on the principle that while restraints can be put in the interests of the security of the State, no restraint on freedom of speech or Press can be placed in the interest of order. That was the simple point. Even before the amendment of the Constitution pre-censorship was not repugnant. After the amendment it has not become repugnant either. By removing pre-censorship I would aver that Government have made a graceful concession.....

Shri Goenka: The Home Minister objects to the word "concession". He has given no absolute concession at all.

Shri B. K. P. Sinha: He may consider that it was not a concession but I consider it a concession. I consider it a concession compared to the previous state of affairs—concession not in an absolute sense but in a comparative sense, compared to the state of affairs today.

Then comes the question of security. It is an accepted principle of law that punishment must follow an offence. That is being followed in this case.

Also in this connection it was alleged by the hon. Member for Delhi that under the present Bill it is open to the executive to demand any amount of security and the judiciary cannot say no to that; and he referred to clause 15, which says:

> "Every complaint to the sessions judge under this Act against any person (hereinafter referred to as the respondent) shall state or describe the objectionable matter in respect of which the complaint is made, and where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the State Government, should be so demanded."

This is only a procedural section which lays down the procedure, according to which the application shall be filed and what should be the contents

[Shri B. K. P. Sinha]

of the application. It does not say that after the demand it shall not be open to the judiciary to make changes or reduce the amount. The substantive law on this is covered by clause 4 or 7. I would refer to clause 4(b) which says:

> "that there are sufficient grounds for demanding security from the keeper of the press..."

It goes further and says:

> "...the sessions judge shall, by order in writing direct the keeper of the press to deposit as security within 15 days from the date of the order, such amount as the court may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose."

Therefore the contention that after the demand is made by the complainant it is not open to the judges to reduce the amount is wrong. The substantive clause of the Bill empowers the judges to reduce the demand of the complainant made in accordance with clause 15 of the Bill.

Under the present law the executive is all in all, the judge and the prosecutor combined in one. But, as has been explained so ably by the Mover and others, now the judiciary comes into the picture. I do not know what further concession the opponents of this Bill want. Their not being satisfied reminds me of a character from Charles Dickens, the child Oliver Twist. He was a delinquent child, born in poor circumstances. He led a hard and cruel life. He wanted something to make his life more happy, that something was given to him. The child's appetite was whetted. He wanted more, and more was supplied. The child wanted still more till a stage came when the child had all that makes life happy and even then the child wanted more and more. To me it appears the opponents of this Bill are in the position of that delinquent child.

Now these are not the only concessions. I would refer to the First Schedule. What laws have been repealed? The laws repealed are: The Indian States (Protection against Disaffection) Act, 1922, the Foreign Relations Act, 1932, and the Indian States (Protection) Act, 1934. I am not mentioning the second item, the Press (Emergency Powers) Act, 1931, because that law, with certain amendments, is being re-enacted.

Pandit Thakur Das Bhargava: That is the main grouse.

Shri B. K. P. Sinha: I am coming to that, do not be impatient.

When the Constitution (First Amendment) Bill was under discussion, it was contended that there should be no protection to States or Rulers or to foreign states. That concession has been given in this Bill. Now, I do not find anything in clause 3 which brings in these three Acts I have mentioned, by an indirect method. I would request, I would rather challenge, opponents of this Bill to point out any provision here which brings in these three repealed Acts. Is it not a concession?

Then I come to the provisions of the Bill. Comparing them with the provisions of the 1931 Act we find that many of the provisions which were covered by the words, "objectionable matter" in that Act do not find a place here. I have not before me a copy of that Act—I could not get it from the Library—so, I am speaking from memory and from the brief notes that I have taken. So far as clause 3(i) of this Bill is concerned, it is more or less an amendment of section 4(1) of the Act of 1931. I am reading that section of the 1931 Act and I would request hon. Members to compare it with the provisions of part (i) of clause 3 of this Bill. They will find what a substantial change, a change for the better, a change in the interest of the Press, a change in the interest of the liberty of the Press there is in the present Bill. What are the words in the section of the previous Act? There any matter is objectionable which would tend directly or indirectly—

> "to bring into hatred or contempt His Majesty or the Government established by law in British India, or the administration of justice in British India, or any class or section of His Majesty's subjects in British India, or to excite disaffection towards His Majesty or the said Government".

Merely "bringing into hatred or contempt" amounts to an offence under the old Act. To "bring into hatred or contempt" it is sufficient to express one's opinion, one's feelings, and excite disaffection in the minds of men, and under the old Act that was sufficient to make the offence punishable. Under the present Bill raising of mere disaffection in the minds of men is not

enough—some substantial act must follow. The present Bill says:

"incite or encourage or tend to incite or encourage, any person".

And here the character of the act also differs. It is not every incitement, every encouragement, which makes a man or a Press liable—it is only an encouragement which encourages people to resort to violence or sabotage which makes the man or the Press liable under the Bill. I would like to know from hon. Members: Is it not a concession and a great concession? Has not the wide horizon of the old law been restricted in the present Bill?

Shri Goenka: Does my hon. friend know section 124A also?

Shri B. K. P. Sinha: I know; I am coming to that.

Shri Goenka: It is still there.

Shri B. K. P. Sinha: That law is dead even after the amendment of the Constitution; that is my contention.

Shri Kamath: It will be amended.

Shri B. K. P. Sinha: It is dead; that is my contention.

Then the old Act also referred to bringing into hatred or contempt the administration of justice in British India. You do not find anything corresponding to it in this Bill. The law of contempt of court has been allowed to take its normal course. Then as regards bringing into hatred or contempt any class of citizens of British India, under the old law if "words or signs or representations" brought contempt or disrepute or excited disaffection against any class, the man could have been roped in; under the provisions of this Bill it cannot be done. Some of my friends may advance the contention that it comes under clause 3(vi):

"tend to promote feelings of enmity or hatred between different classes of persons in India".

But it is a two-party affair; it is only when you rouse feelings of enmity between two classes that sub-clause (vi) operates. According to the old law, without bringing any other party into the picture, if disaffection was spread against any class, religious or economic, the man could be roped in.

Shri R. C. Upadhyaya (Rajasthan): You cannot say anything against capitalists.

Shri B. K. P. Sinha: I am coming to that. I shall deal with all the provisions.

Shri Deshbandhu Gupta: Does the hon. Member suggest that the wording of this part is different from that of section 153A?

Shri B. K. P. Sinha: I am speaking of the old law. I am not referring to section 153A. It is my contention that this is a substantial advance, an advance for the better, from the old Act. Even under the British law, the inciting of mischief against a certain class is an offence. There was a case in which the Jews were abused and vilified. The man was brought to court and convicted. According to the present Bill, you can speak against any class or community or religious group. It would not be penal and it would not be an offence. It is only when you bring another class into the picture and begin creating feelings of enmity between one class and another that this law would come into operation. This is another advance.

Now, I refer to clause 3(ii): "incite... to commit murder, sabotage or any other offence involving violence". This is a provision which you find in the old law also, but then there is another provision relating to this under the old law which has been omitted from this Bill, namely, "directly or indirectly express approval or admiration of any such offence or of any person real or fictitious who has committed or is alleged or is represented to have committed any such offence". That was penal. It is no more penal. This is another improvement.

Now, I refer to clause 3(iii) of the present Bill, and the corresponding provision in the old law, which is section 4(1)(f). "...any words, signs or visible representations which tend to incite or encourage any person to interfere with the administration of the law or with the maintenance of law and order..." So far the wordings are the same both in the old section and the present clause but thereafter something new has been added here and something from the old section has been omitted. What is omitted is this: "...or to commit any offence or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government or to any local authority or any rent of agricultural land or anything recoverable as arrears of or along with such rent." These words which were in the old law have been omitted. By this omission, anybody would be able to carry on agitation. It has been permitted to such an extent that people can say "Do not pay rent to the

[Shri B. K. P. Sinha]

landlords". What is then the basis of the fear of friends like Prof. Ranga and Prof. Mishra?

An Hon. Member: But what about 'classes'?

Shri B. K. P. Sinha: That is a legal term. I would deal with it in due course.

Then I come to the clause to which most of my friends have objected—clause 3(vi)—which says: "tend to promote feelings of enmity or hatred between different classes of persons in India". Dr. S. P. Mookerjee pointed out that in the old law the wording was "...to promote feelings of enmity or hatred between different classes of citizens of India" while the words go further in the present Bill and say "tend to promote". But then he missed that at the beginning of all these clauses in the old law, there were the qualifying words "which tend, directly or indirectly". These words "directly or indirectly" have been omitted here, which is definitely an improvement. The word 'indirectly' has gone and courts may possibly interpret that only direct incitement comes under the penal provisions of this Bill.

My hon. friends are making much of these words "tend to promote feelings of enmity or hatred between different classes of persons in India". My contention is very simple. My hon. friends who opposed this Bill talked of democracy; of a welfare State; and so on. Well, we have before us the ideal of a welfare State. But there are different ways of realising that ideal. There is the way of Hitler for realising a welfare State. There is the way of the Iron Curtain countries also. But the Democratic way of realising a welfare State is different from the dictatorial way of realising it. Democracy means progress by argument and discussion. We can achieve progress without preaching murder, violence or hatred against any class and according to this Bill, it is open to anybody to say that capitalism is a bad system; it is like a leaden lid on progress. That would not be penal. It is open to anybody to say that the zamindari system should go; it has outlived its usefulness. That would not be penal. But if people go further and say, cut off the capitalists' heads; destroy landlords; then with all respect I must say you are a dictator, not a democrat. You have misread the meaning of democracy.

Since much has been said about laws of foreign countries, I shall refer to it, especially as scholars and orators like Dr. Mookerjee and my hon. friend Mr. Gupta have lent the weight of their opinion to the opposition. I would refer to the British system of law—a system which so far as the liberty of the Press is concerned is considered to be the ideal system in all the countries of the world. I find there is authority and support in the British law for each one of the provisions of the present Bill. I shall quote from Dicey, who still remains the greatest authority on the subject and is a great constitutionalist.

Shri Kamath: Not 'still remains', but was.

Shri B. K. P. Sinha: He is dead but his book still remains. On page 243 he defines seditious intention as follows:

> "Seditious intention means an intention to bring into hatred or contempt or to excite disaffection against the King..."—mark the words "excite disaffection against the King", only exciting disaffection, no question of violence here—" . . . and Government and Constitution of the United Kingdom as by law established, or either House of Parliament, or the administration of justice, or to excite British subjects to attempt otherwise than by lawful means the alteration of any matter in Church or State by law established, or to promote feelings of illwill and hostility between different classes."

Shri Kamath: That is ordinary law, not Press law. The question is whether we should have a special Press law or not.

Shri B. K. P. Sinha: I am coming to that; why are you getting so impatient? I am dealing with it in a certain order. You cannot expect me to give my arguments all of a sudden in a minute.

Shri Rajagopalachari: He is reading the classical foundation for our draftsmen. Why do you not allow him?

Shri B. K. P. Sinha: So much was made of the provision relating to the promotion of illwill between different classes. This forms an ingredient of the British law of sedition. What is the scope of the law limiting freedom of expression in England? I would read only a line from Dicey—page 577:

"What is important is to note the severity of the general law which may be invoked to stifle liberty of discussion if it came to be applied in its entirety."

The law is so severe that any discussion can be stifled. It is only the restraint exercised by the people and by the executive that prevents all these laws being applied.

I would next come again to the question of seditious libel because here it is given in some detail. What is the freedom of the subject? Dicey on page 589 says:

"He may state his opinion freely, he may buttress it by arguments, he may try to persuade others to share his views. Courts and juries are not the judges in such matters. For instance, if he thinks that either a despotism or an oligarchy, or a republic, or even no government at all is the best way of conducting business affairs, he is at perfect liberty to do so. All that is allowed because it is innocuous, but on the other hand if he makes use of language calculated to advocate or to incite others to public disorders, to wit, rebellions, insurrections, outrages, assassinations and such outrages, or any physical force or violence of any kind, then whatever his motives, whatever his intentions, there would be evidence on which a jury might, on which I think a jury ought to decide that he is guilty of a seditious publication."

I would request hon. Members to scan the provisions of the Bill. Do the provisions of this Bill go any further or do they fall short?

Then one of my hon. friends talked of obscene publications, as if it was something new in the Indian law, as if there was nothing like this in any system of jurisprudence. I would in this connection also refer to page 580 of Dicey:

"But the Obscene Publications Act, 1857, confers summary powers of search, seizure and destruction upon any two judges of the peace or a single stipendiary magistrate."

Shri Nazimuddin Ahmad (West Bengal): We have that law here.

Shri B. K. P. Sinha: Will that law apply to the Press? That cannot apply to the Press.

My hon. friend Sardar Man said that the public came to know of the fertilizer and other scandals from the newspapers. In England the Official Secrets Act is enforced very severely. Once a Member of Parliament put a certain question in the House. He was asked by the Attorney-General to give the source of his information. When he refused to do so a Committee of the House was constituted to go into the matter. The law is so severe there.

Then I come to part (iv) of clause 3 relating to spreading of disaffection among the armed forces. Page 583 of Dicey says:

"There are two statutes, the Incitement to Mutiny Act, 1797 and the Incitement to Disaffection Act, 1934, which are directly aimed at preventing the seduction, by whatever means of the armed forces from their duty or allegience. Publications calculated to cause disaffection among the police are prohibited by the Police Act, 1919."

Then, I come to another feature of the law. Page 584 of Dicey reads:

"A more formidable menace to freedom of discussion is to be found in the practice of the police in preventing the distribution of literature without being under the necessity of proving that the contents infringe any provision of the law."

Under the British law distribution can be prevented by the police without proving that the publication infringes any of the provisions of the law. There is a corresponding provision in American law also where the post office is empowered to prevent any matter being distributed to anybody.

So I have dealt with two aspects of the question: First, in what way this law registers an advance on the present state of affairs and second, that there are precedents for these provisions even in the most advanced countries, so far as the Press law is concerned—that is Great Britain. Every part of clause 3 is based, I find, on the provisions of the British law.

Then, so much has been made of the common law in its application to the Press, and the question is asked why have a special Press law, why not apply the common law? That, I say with great respect, is a confusion which has arisen in this House and the country, because of insufficient realisation of the character of the British law. British law is made up of two types. The common law, the unwritten law, the law laid down by judges and

[Shri B. K. P. Sinha]

handed down from generation to generation and the law that finds its place in the statute books. In Britain though there is a plenitude of laws, even now maintenance of law and order is governed and guided by the common law of the land. I would read in this connection from Keen and Lawson—Cases on Constitutional law: third revised edition—page 352, first para:

> "So much of modern government is carried on by special authorities under statutory powers that it is interesting to know that the prime function of Government, the maintenance of order and execution of the law is still largely a matter of common law and to a great extent the business of the common citizen."

That is the difference between Britain and India. In India the penal law is codified; it is put in a strait jacket. In Britain, for the matter of that in all the Anglo-Saxon countries, they have adopted the Anglo-Saxon system.

Shri Naziruddin Ahmad: So has India also.

Shri B. K. P. Sinha: India has not done. You are mistaken. There is no common law.

Shri Naziruddin Ahmad: We have.

Shri B. K. P. Sinha: Common law is superseded where there is a codified law. I am surprised at the interruption of so eminent a lawyer as my hon. friend.

12 NOON.

So in Britain there is the common law and the statutory law. Similarly in America, in Canada and in the other countries which have imported not only the Anglo-Saxon population but also the Anglo-Saxon system of law, the principles of common law prevail. Therefore, in those countries you find that there is no special Press law, because the common laws is comprehensive enough. It is developing—developing from day to day by the judgments of the courts—and it is so developing that it meets the situation at any given time. Therefore, there is no necessity of any special law in those countries.

Again, what is the distinction between the common law and a codified law? Sir Alfred Denning, Lord Justice of His Majesty's Court of Appeal in England, in his famous *Hamlyn Lectures* makes a distinction. He deals with the French law and says that that law is codified. On page 41 towards the end of the first paragraph he says:

> "In this country, however, the common law has not limited itself in that way. It is not contained in a code but in the breast of the judges, who enunciate and develop the principles needed to deal with any new situations which arise."

The law is not codified. It is capable of adjustment according to any situation. The law is laid down by the judges. When a situation demands, the law is modified, extended, the scope of the operation of the law is widened.

You cannot do that under a code. In our country there is a code. What is the scheme of the Penal Code? What is the scheme of the Criminal Procedure Code? They say when a person commits such an offence he will be put into jail. Can you put a newspaper into jail? Can you deal with an indeterminate corporate body by the Penal Code or the Criminal Procedure Code? You simply cannot. The hon. the sponsor of the Bill read certain extracts from the Press Laws Enquiry Committee report that in view of the corporate nature of the organisation with which we have to deal, in view of the fact that it is very difficult to fasten individual liability, a Press law is necessary in the conditions of this country. Because, we have no common law, we have a codified law and that codified law cannot be extended to rope in presses or such like organisations. And that is why there is necessity for a separate Press law in this country.

I have to be very short because I am being reminded...

Shri Kamath: Go on, nobody has reminded you.

Shri B. K. P. Sinha: I feel that by and large the principles incorporated in this Bill are salutary and they are essential in the conditions of today. Of course, certain provisions of the Bill may require toning up here and there. To that I do not object, and it shall be for the members of the Select Committee to modify them or to improve them. But for that we need not resort to dilatory tactics of circulating everything for eliciting public opinion. I am surprised that my friends who oppose this measure want it to be circulated for eliciting public opinion. What does it mean? Do they want that the present state of affairs, which is definitely worse, so far as the Press is concerned, than what is going to happen, should continue for another

two years? I do not think it is anybody's intention.

Shri M. P. Mishra (Bihar): What do you want to do with the Press immediately? Gag it?

Shri B. K. P. Sinha: No. But we cannot give it unlimited liberty, we cannot give it a free licence. Something has to be there. I can very well understand...

Shri M. P. Mishra: Have you not got laws to do it?

Shri B. K. P. Sinha: You have not. My difficulty is that you are not a lawyer, you are a journalist. Much of the debate in this House would not have taken place and much of the worries expressed would not have been there if journalists were lawyers. (*Interruption*). Lawyers are sometimes journalists.

Regarding clauses 10 and 11, to which my hon. friend Shri Deshbandhu Gupta drew attention, I think that there must be some provision for appeal in those two cases. The amount of security should be limited—for the first offence so much, for the second offence so much.

Towards the end I would again join my voice with those who have raised the plea for a Press Commission. I think that is a demand which is perfectly relevant even on a debate on this Bill. Because, before we give liberty to an object we have to know what is that object like. The liberty we give to a perfectly hale and healthy person is not the same as we give to an unhealthy or diseased one, a leper or one suffering from infectious diseases. We have to know what is the character of the Press.

Shri P. Y. Deshpande (Madhya Pradesh): Are these the epithets of the Press that you are referring to?

Shri B. K. P. Sinha: Let us know that it is not a Press controlled by a few handful of people who put up a loud voice in the interests of freedom and liberty but who give no liberty to the people who serve them and make them starve and come in tattered clothes. While supporting the motion for referring this to Select Committee I would urge that you must not waste any time and there should be no delay in having a Press Commission. After its report has come; after a year or two years we must have, in the light of that report, a new Press Law.

Before I close, since the question of sedition has been urged so often I would like to deal with it shortly. It is my contention that even after the amendment of the Constitution the law has not been revived. It remains dead. Let me refer to the wording of section 124A. It says "Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards..." According to that it was enough to rouse the feelings. As it was laid down by the Privy Council in Bal Gangadhar Tilak's case "the offence consisted in exciting or attempting to excite in others certain bad feelings towards the Government and not in exciting or attempting to excite mutiny or rebellion or any sort of actual disturbance, great or small." So, simply a change in the mental state of a man was a penal offence according to this section. Only a change in the mental state was enough to come under it. And it is my contention that a change in the mental state is not enough to make something penal even after the amendment of the Constitution, because the amendment only adds two words; that is "public order". Restraints can be put in the interests of public order. It has again come in the judgments of the Supreme Court that "public order" implies a normal state of affairs, a state of affairs where there is no actual physical disturbance. "Public Order" is disturbed only when there is actual physical disturbance. A mere change in the mental state is not sufficient. Therefore, my contention is that even after the incorporation of the words "Public Order" that section remains dead. Of course, it will be for the Supreme Court finally to decide. The amount of time that I have devoted to this question is rather small but on a reading of the relevant judgments and the relevant sections and articles of the Constitution and the Penal Code, it is my contention and it is my opinion that even after the amendment, that section remains dead and buried. Some people have referred to the fact that the Prime Minister made certain statements. It may be that the Prime Minister said so on the assumption that the law had revived and the Prime Minister is no lawyer. That is all that I have to say.

I think that this Bill registers a great advance. Moreover I feel that there is authority for every provision under the British law, the most advanced law on the subject, and I feel that nothing short of this can serve our purpose and I, therefore, support the motion that the Bill be referred to the Select Committee.

Shri Ramaswamy Naidu (Madras): I rise to raise my feeble voice in support of the Bill. The hon. Home Minister gave us an undertaking when he was speaking on the Constitution (First Amendment) Bill to the following effect:

> "We are not only going to bring a comprehensive measure dealing justly and properly with all these questions which arise in that connection and in consonance with the spirit of the Constitution, not only in the letter, but also the removal of all things that have been felt to be bad."

It is to implement that undertaking that this Bill has been brought. The Bill has been strenuously opposed by the Members of the opposition and by some of the representatives of the Press in this House and by some of the other Members also. I see nothing in this Bill which goes against the freedom of speech or freedom of expression.

I would like to say that according to the promise that the hon. Home Minister gave us pre-censorship has been completely abolished. It is a misconception and it is what I call a misreading of the provisions of this Bill that has led so many hon. Members to speak against it. There are definitions about "objectionable matter" and these definitions are said to be far-reaching and wide. Every person who has looked into the expressions of the Press will concur with me when I say that these definitions are all definitions that have been known to the Press and the country and of which the Press is quite conscious. I shall refer to an expression of the *Hindu* which says:

> "Scurrility and blackmailing when practised by journalists are not in any way different from what they are when other persons indulge in such writing."

Then again the *Hindustan Times* says:

> "Controversy will, naturally, centre round the somewhat wide terms in which "objectionable matter" is defined in clause 3 of the Bill. No one is likely to object to inclusion of incitement to violence and sabotage or grossly obscene, scurrilous and obscene writings among objectionable matter."

Thus it will be seen that the Press knows what a scurrilous matter is, what an obscene matter is and what sabotage is and so on. So it cannot be said that the definition in the Bill is far-reaching or capable of application to any and every sort of writings or speeches or publications.

There is no time at my disposal to compare the laws of the other countries but I will crave the indulgence of the House to take it through the clauses of the Bill and thereby try to explain that there is nothing wrong; there is nothing which will subvert our freedom of speech or freedom of expression.

[SHRI HIMATSINGKA *in the Chair*]

As I have said the definitions are understood by the Press and it is quite capable of explanation and the operative clause of the Bill with regard to security is quite reasonable; security is demanded not in anticipation of any writings. Government will not demand security in the view that a Press or a publisher will publish certain matter which would be objectionable. It is only on the commission of an overt act, after giving expression to certain feelings that the Government comes in. Then again the Government does not arbitrarily say that this is an objectionable matter. The matter is referred to a judicial tribunal which goes into the thing and finds out with the aid of the jury whether the matter is objectionable or not. Even then though the Government may specify security as a certain sum, it will not be the same that will be demanded by the judiciary. The judge is permitted to demand only such a sum as seems necessary in the case. Then there is an appeal to the High Court. So there can be no difficulty experienced by the Press in preferring an appeal or arguing out their case in the courts in the first instance. The Bill aims only at preventing certain things. The objectionable items are not made substantively actionable. What the Bill seeks to do is to prevent the Press from doing further injury to the country. In a case where a printer or publisher has given vent to an expression which is definitely objectionable, the Government does not come in to punish for that expression, but seeks to prevent the printer or publisher from publishing other things of a similar nature in the future. At the most it is only preventive and there is nothing which penalizes them for that act. Under clause 32 Government tries to reserve action under other laws. Since under the Bill "objectionable matter" is not actionable, Government seeks to take

power to try in cases of such objectionable matter where they would prosecute the offender under the other laws of the land. That of course might present a difficulty and that difficulty presented itself to me. I would like to say that the trial court or the High Court may come to the conclusion that a certain writing is objectionable. Then a case might be preferred under the other laws for the safety of the country. Once the judiciary has given a finding that the matter is objectionable, will it be open for the accused in the other court to re-open the case whether that matter is objectionable or not inasmuch as the judiciary in the first instance and the High Court have expressed an opinion that the matter is objectionable? I am of opinion that the accused in that case will not be able to re-open the case in any other court, where he might be prosecuted for the substantive offence. This seems to be a difficulty which must be overcome. I appeal to the hon. Home Minister to look into the matter and find out a way. Penalty is provided only for failure to deposit security and not for uttering anything, printing anything or publishing anything. The main intention of the Bill seems to be preventive and there is no intention to prevent the use of the free expression that might otherwise be legal. It is only incitement to crime and acts against the public weal that are sought to be prevented and not anything else. The Press because of its capacity to reach a greater number of persons is sought hereby to be prevented from doing greater mischief than an ordinary person. An ordinary person may at the most address his friends or a public meeting where there may be a few hundreds or thousands of people. But, the Press goes through the length and breadth of land and it is able to reach every person in the villages. Once an objectionable matter is printed, it is certain to do harm and there will be no machinery to prevent it. Therefore, it is just and necessary that the Press, when it has been expressly decided by the judiciary that it has printed objectionable matter, or the publisher has published objectionable matter, should be prevented from doing it again.

Arguments have been advanced in the fear that freedom of the Press may be curtailed. When you walk along the road, you see red lights saying that there is danger ahead. It is a particular danger that is brought to our notice. Every person, as soon as he sees red lights, should not think that there is 'danger' ahead and become nervous and stop doing anything. Just like that, this Bill seeks to prevent certain dangers. It does not seek to prevent free expression in a lawful manner. When anything is argued, when reasons for arguments are lacking, when there is no substantial ground that could be advanced, they descend to lower levels. That has been the habit in the street quarrels; that has been the habit at Government level; and unfortunately, that has been the habit in such honourable Houses such as this also. When arguments fail, we descend to personalities. I would appeal to you that there is nothing personal in bringing this law on the part of the hon. Home Minister. Our Home Minister is a person who has devoted the whole of his life for the freedom of the country. All the freedoms and rights that have been secured by the Constitution, I would like to say, have been secured not only by the efforts of others, but by the efforts of our Home Minister also. He will be the last person to pawn our freedom; he will be the last person to take away the freedom of speech. These hard-won freedoms and rights he will be the last person to take away from us. So, I would request hon. Members to think deeply before they attribute any motives.

Shri Kamath: No motives have been attributed.

Shri Ramaswamy Naidu: He is a person who commands the respect and confidence of all thinking congressmen in the country and he is a person who is held in high esteem by his compatriots in the Madras State.

An Hon. Member: In the whole country.

Shri Ramaswamy Naidu: Therefore, I would like to say that his actions will be actuated by nothing but the highest motives that would redound to the glory of our land.

Human nature is such that it revolts at any handicaps. You see fine lawns in Delhi; you have got finely laid out paths to walk. But, in the lawns, you see cross paths taken by pedestrians, destroying the beauty of the lawns. That is human nature, to get at things at cross roads, cross cuts or short cuts. Taking human nature as it is, such restrictions seem to be necessary. The Son of God, the Saviour of Mankind, Lord Jesus Christ began his commandments putting them in the negative manner. He said, "Do not utter lies; do not steal others' properties; do not covet others' properties and

[Shri Ramaswamy Naidu]

others' wives". But, no good Christian complains that Lord Jesus gave his commandments in the negative.

Shri Kamath: Moses; not Jesus.

Shri Ramaswamy Naidu: He did not say that you should tell only the truth; but he said, do not utter falsehood. Every teacher, every sane man, every leader of the country thinks always of the wrong things on the part of a nation and tries to prevent those wrongs from being perpetrated. This is one of such cases. In the infancy of our freedom, in the state of immaturity of our standards of public life and expression of thought, it is necessary that we should have some restrictions and these restrictions are more necessary when the harm that could be done is greater. I am indebted to an expression of high sentiment of the *Hindu* which says:

> "It is only by building up high professional standards and by raising the standard of public taste that the gutter Press can be effectively put down."

I ask you, gentlemen, honestly, are we anywhere near it? Would it not be right if you consider that we should place some restrictions on the Press? Is it not just, is it not necessary that these restrictions should be there? I would ask you gentlemen to consider deeply and give your verdict. The Bill is a wholesome one. It does not seek to penalise anybody. It seeks to prevent harm being done on a large scale by an unthinking, what shall I say,...

An Hon. Member: Unscrupulous.

Shri Ramaswamy Naidu: ...irresponsible persons, they may be printers, they may be publishers.

خواجہ عنایت اللہ : مسٹر چیرمین،
اس قانون پر بحث ہوتے ہوئے آج تین روز ہو رہے ہیں - اصل مطلب کو چھوڑ کر میرے دوستوں نے کلازیز(clauses) پر بحث کرنی شروع کر دی ہے - حالانکہ اس قانون پر اس وقت کی بحث کا مطلب یہ تھا کہ آیا یہ قانون اس طرح سے جو آیا ہے سلیکٹ کمیٹی میں بھیجا جائے یا نہ بھیجا جائے - کیونکہ سلیکٹ کمیٹی میں بھیجنے کے بعد بھی دفعات میں بہت سی تبدیلیوں کی گنجائش موجود ہے - اس لئے ہر کلاز پر بحث کرنا میرے خیال میں اسی وقت بالکل بے وقت کی شہنائی تھی -

میرے دوستوں نے د اخبارات کی آزادی، کے متبرک نام کی دھائی مچائی ہے - میں جانتا ہوں کہ آج سے بیس تیس برس پہلے جب ہندوستان میں آزادی کی جنگ لڑی جا رہی تھی تو کچھ سیلف انٹریسٹیڈ (Self interested) لوگوں نے د،اسلام خطرے میں ہے،، د، ہندو دھرم خطرے میں ہے ،، اس طرح کے نعرہ لگائے تھے - اگرچہ نہ اسلام خطرہ میں تھا نہ ہندو دھرم خطرہ میں تھا - بلکہ وہ خود خطرہ میں تھے اور وہ اپنے خطرہ کو دوسرے کی آڑ میں رکھنا چاہتے تھے - ٹھیک اسی طرح آج اخباروں کی آزادی کا ٹھونگ رچا کر یہ لوگ اپنی آزادی کو - اپنے نفع کو - اخبارات کی آزادی کا رنگ دینا چاہتے ہیں - اور سیدھی سادھی، بھولی بھالی جنتا کو یہ بتانے کی کوشش کی جا رہی ہے کہ ہندوستان کی موجودہ کانگریس حکومت اخبارات کی آزادی چھیننا چاہتی ہے - حالانکہ یہ بات ہرگز نہیں ہے جیسا کہ ابھی میں بتاؤنگا - اخبارات کی آزادی نہیں چھینی جا رہی ہے بلکہ اخبارات کو بہت سی آزادی دی گئی ہے -

آج جو لوگ زور لگا رہے ہیں اور پریس کی آزادی کے لئے کہہ رہے ہیں کہ اس قانون کو گورنمنٹ نہ لائے - میں اِن سے صاف صاف کہہ دینا چاہتا ہوں کہ وہ بہت آگے نہیں دیکھ رہے ہیں اور میں کہونگا کہ وہ خود اپنے پاؤں پر کلہاڑی مار رہے ہیں - ان کو نہیں معلوم کہ پریس کو اگر کھلا چھوڑ دیا گیا تو کمیونسٹ (communist) خیال رکھنے والے اور ہمارے کمیونلسٹ (communalist) یعنی فرقہ‌دار بھائی اس کا ناجائز فائدہ اٹھائینگے اور وہ ایک بے لگام گھوڑے کی طرح ہو جائینگے اور وہ آپ ہی کے خلاف پڑینگا - آج آپ یہ کہتے ہیں کہ پریس کے خلاف کیوں قانون لگایا جاتا ہے - لیکن میں تو سمجھتا ہوں کہ حکومت آپ پر مہربانی کر رہی ہے تاکہ آپ کے یہ پریس ، آپ کے یہ اخبارات اور آپ کی یہ جائدادیں موجود رہیں اور کمیونسٹ لوگ ایسا اعلان نہ کر دیں اور چھپے چھپے پیمفلٹس (pamphlets) نہ بانٹ دیں اور وہ جو بڑے اخبار والے ہیں- بڑے روپیہ والے ہیں- ان کے خلاف یہ کہیں کہ ان کے پریسوں اور جائدادوں میں آگ لگا دو - یا ان کی گردن کاٹ دو- اس کا اخبار چھین لو - یا اگر کوئی ہندوستان ٹائمس کو بیچ رہا ہو تو راستے میں اس کو چھین لو - اس کو مار ڈالو- تو یہ آپ پر سرکار ایسا قانون لا کر مہربانی ہی کر رہی ہے - وہ بے لگام آزادی تو آپ کے نقصان کی

کچھ لوگوں نے اس پر بحث کے دوران میں کہا ہے کہ اخبارات کے خلاف قانون بنانے کی کیا ضرورت تھی - ان کو آزاد چھوڑ دیا جائے - جن لوگوں نے اس طرح کی تقریریں کی ہیں ان لوگوں نے کہا ہے کہ اخبارات کیلئے قانون بنانے کی ضرورت نہیں ہے- اُن سے میں بڑے ادب سے کہونگا کہ شاید وہ آزادی کا صحیح معنی نہیں سمجھتے ہیں - آزادی کے معنی ہی روک تھام کے ہوتے ہیں - بغیر کسی روک ٹوک کے آزادی کوئی معنی نہیں رکھتی ہے - ہر انسان کے لئے خواہ وہ کتنا ہی چھوٹا کیوں نہ ہو - خواہ کتنا ہی گرا ہوا کیوں نہ ہو - خواہ وہ کتنا ہی بڑا بھی کیوں نہ ہو - ہر ایک کی آزادی کے لئے کچھ روک تھام کی یعنی ایک حد کی ضرورت ہوتی ہے - صرف ایک ہی انسان ایسا ہے جس کے لئے شاید کسی حد کی ضرورت نہیں ہے - یعنی پاگل انسان - پاگل انسان کے لئے کسی قانون کی ضرورت نہیں ہے - وہ بالکل آزاد ہے- کوئی قانون اس کے لئے نہیں ہے - لیکن ہر مہذب انسان اور مہذب قوم کے لئے روک تھام کی ضرورت ضروری ہوتی ہے - پریس (press) تو اپنے آپ کو بہت ہی سولائزڈ (civilized) سمجھتا ہے - وہ جلتا کو سولائز کرنے کا دعویٰ کرتا ہے - اگر اس کے لئے کوئی قانون نہ بنے جس سے کہ پریس کی آزادی کی لمٹ (limit) ہو تو یہ حکومت ایک سطحی غلطی کریگی -

اس میں کوئی ایسی بات نہیں ہے - کچھ لوگوں نے (interfere with the administration of law) کو لے کر کہا ہے کہ سپلائی کا جو ایک لا ہے اس قانون سے اس میں ہم کیسے انٹرفیر (interfere) کرینگے - میں ان سے کہوں کہ شاید وہ انٹرفیر یعنی دخل دینے اور نقطہ چینی کرنے کے فرق کو نہیں سمجھتے ہیں - انٹرفیر اور کریٹیسائز (criticise) میں کیا فرق ہے وہ شاید اس کو نہیں سمجھتے ہیں- یہ بالکل صحیح ہے کہ ایسا قانون ہونا چاہیئے کہ ہماری حکومت کے کسی قانون میں کسی کو انٹرفیر کرنے کا حق نہ رہے اگر آپ اس نے قانون میں انٹرفیر کرینگے تو پھر کوئی بھی حکومت لا اینڈ آرڈر (law and order) قائم نہیں رکھ سکتی ہے -

انٹرفیر کے معنی یہ ہیں کہ اگر حکومت نے کہا کہ فلاں آدمی اس دکان میں غلہ بیچے گا تو جو کوئی اس دکان دار کو ہاتھ سے پکڑ کر زبردستی طاقت سے دکان کے باہر نکال دے اور کہے کہ تم غلہ نہیں بیچو گے - ہم بیچیں گے تو یہ سرکار کے قانون میں اس کا انٹرفیرینس ہوتا ہے اور وہی ہمیں روکنا ہے - اس طرح گاؤں میں غلہ وصولی کا سوال ہے - پہلے ہی آپ سرکار کو غلہ نہ دیں - یہ ٹھیک ہے - آپ اس کو اطمینان سے کہیں کہ یہ غلہ وصولی کا قانون غلط ہے پہلے ہی ہم کو

[خواجہ عنایت اللہ]

باعث ہوگی اور میں سمجھتا ہوں کہ آپ جو اس بل کے خلاف بول رہے ہیں تو آپ خود اپنے پیروں میں کلہاڑی مار رہے ہیں - اور پھر جس چیز کو آپ مانگتے ہیں اس کو تو کوئی روکتا بھی نہیں ہے - میرے پاس وقت تھوڑا ہے اس لئے میں جلدی جلدی اپنی بات ختم کرنے کی کوشش کر رہا ہوں - آپ نے کہا ہے کہ یہ قانون جنتا کی آواز کو دباتا ہے - میں تو یہ کہتا ہوں کہ یہی قانون نہیں بلکہ اگر ایسے پچاسوں قانون جنتا کی آواز کو دبانے کے واسطے بنائے جائیں تو میں سب سے پہلا شخص ہونگا جو ایسے قانون کی یہاں پر مخالفت اور باہر نکلکر توڑنے کی کوشش کرونگا - جہانتک اس قانون کا تعلق ہے میں کہونگا کہ میرے ان دوستوں نے اسے غلط سمجھا ہے کہ اس قانون میں جنتا کی آواز کو دبایا گیا ہے - ایسا ہرگز نہیں ہے اس قانون میں کہاں ایسا لکھا ہے اور انہوں نے اس کی کوئی دفعہ ایسی نہیں بتلائی کہ جس کے ذریعہ سے جنتا کی آواز کو دبایا جاتا ہے - کچھ لوگوں نے اس کی مخالفت کرتے ہوئے کہا ہے کہ اس قانون کے پاس ہو جانے کے بعد کسان یا کاشتکار زمیندار کے خلاف کیسے بولیگا - غریب کیسے سرمایہ دار کے خلاف بولیگا- مزدور مل مالکوں کے خلاف کیسے بولے گا - تو میں کہتا ہوں کہ قانون میں ان کو کہاں روکا گیا ہے کہ وہ نہ بولیں -

کو ہیٹریڈ اور اینمٹی کو روکنا چاہیئے- اور اگر وہ ایسے نہیں کرتی ہے- تو میں سمجھونگا کہ انہوں نے اتنی جلدی مہاتما گاندھی کے اصولوں کو چھوڑ دیا ہے اس لئے ہیٹریڈ اور اینمٹی بٹوین دی کلاسز (hatred and enmity between the classes) بیشک ٹھیک ہے- بٹوین زمینداراس اینڈ کسانس - بٹوین مل اونرس اینڈ لیبرز (between zamindars and kisans, between millowners and labourers) ان میں آپس میں ہیٹریڈ (hatred) اور اینمٹی (enmity) نہیں ہونی چاہیئے - اس لئے جن دوستوں نے ان الفاظ پر اعتراض اٹھایا ہے وہ شاید مہاتما جی کو اور ان کے اصولوں کو بھول گئے ہیں - ہیٹریڈ اور اینمٹی سے کیا مطلب ہے- ہیٹریڈ اینمٹی جب ہو جاتی ہے تو کبھی نہ کبھی وایولینس (violence) یعنی تشدد کرنے کا موقع مل ہی جائیگا - اس لئے ہم چاہتے ہیں کہ تشدد کا جو پہلا قدم نفرت اور دشمنی ہے اُسی کو روک دیں تاکہ وایولینس کی طرف ہم نہ جا سکیں- اس لئے میں سمجھتا ہوں کہ اس قانون میں اگر یہ دفعہ نہیں رہتی تو یہ قانون شاید ناکارہ رہتا اور مکمل نہیں ہوتا اس دفعہ کے بغیر یہ قانون مکمل نہیں ہو سکتا تھا- کچھ لوگوں نے گراسلی انڈی سینٹ (grossly indecent) کے بارے میں کہا کہ اس کے کیا معنی ہیں - میرے دوست گرفتار کر لیا جائے - مگر اس کے معنی یہ نہیں ہیں کہ جو افسر غلط لوگوں ان کے خلاف آپ ایک مورچہ بنا کر رکھیں اور جو سرکاری آدمی آئیں ان کو پکڑکر مار ڈالیں تو یہ انٹرفیر کرنا ہوا - مگر یہ یا اور ہندوستان کا کوئی دوسرا قانون اگر حکومت کو کریٹیسائز کرنے سے روکتا ہے تو سب سے پہلے اس قانون کو ختم کرنا ہم سب کا فرض ہے اور ہمارے مہاتما جی نے ہمیں یہ سکھایا بھی ہے - کچھ لوگوں نےاس بات پر بحث کی ہے کہ اینمٹی (enmity) اور ہیٹریڈ (hatred)یعنی نفرت اور دشمنی کو جرم بنانے کی کیا ضرورت ہے - کلاسیں (classes) کی بجائے اگر ریلیجن (religion) ہوتا - ہندو مسلمان میں اینمٹی اور ہیٹریڈ کا سوال ہونا - کلاسیز میں کیوں ہیٹریڈ رکھی گئی ہے میں کہتا ہوں کہ شاید انہوں نے مہاتما جی کے اصولوں کو نہیں سمجھا - یہ ٹھیک ہے اور درست ہے کہ ہم زمینداری کو ختم کرنا چاہتے ہیں لیکن ہم زمیندار کلاس سے کوئی ہیٹریڈ اور اینمٹی نہیں پھیلانا چاہتے ہیں - بے شک ہم کارخانوں کے مالکوں سے چاہتے ہیں کہ وہ اپنے مزدوروں کو پوری تنخواہ دیں اور اپنے منافع میں مزدوروں کو زیادہ سے زیادہ حصہ دار بنائیں مگر ہم یہ نہیں چاہتے کہ مزدوروں اور کارخانوں کے مالکان کے درمیان کوئی نفرت یا دشمنی پیدا ہو جائے - ہم ایسا انتظام ضرور رکھینگے اور یہ ٹھیک بھی ہے کہ ہماری حکومت

سیفٹ کس کو کہتے ہیں - ہمارے ایک دوست نے کہا کہ آپ ایسا قانون مت بنائیں بلکہ ایسی حکومت ہی بنا لیں کہ جس پر لوگ اعتراض نہ کریں - مجھے تو تعجب ہوتا ہے کہ اتنے بڑے بزرگ اور تجربہ کار یہ بات کیسے کہہ سکتے ہیں کہ قانون مت بنائیے بلکہ ایسی حکومت بنا دیجیئے کہ جس پر اعتراض نہ ہو - میں تو کہونگا کہ حکومت تو اگر خدا کی بھی ہو تو بھی لوگ اس پر اعتراض کرنے کو تیار ہو جائینگے - کہاں ایسی حکومت بن سکتی ہے کہ جس پر کوئی اعتراض نہ کرے - اگر آپ اچھے لوگوں کی حکومت بناتے ہیں تو جو برے لوگ ہیں وہ اس حکومت پر اعتراض کرینگے اور اگر برے لوگوں کی حکومت بنائی جاتی ہے تو اچھے لوگ اس پر اعتراض کرینگے - اگر آپ کوئی ایسا سخت قانون بناتے ہیں جس سے کوئی چور چوری نہ کر سکے تو چوروں کا جو گروہ ہوگا وہ اس کے خلاف مخالفت کرنا شروع کر دیگا - اسی طرح اگر آپ بلیک مارکیٹرس (Black-marketers) کے خلاف کوئی سخت قانون بناتے ہیں جس سے چور بازاری نہ ہو سکے تو بلیک مارکیٹرس کا طبقہ اس حکومت پر اعتراض اٹھائیگا - اس طرح آپ دیکھینگے کہ ایسی حکومت تو ہو نہیں سکتی کہ جس کے خلاف کوئی اعتراض کسی طرف سے نہ اٹھے - یہ کہنا کہ روس میں ایسی حکومت ہے

[خواجہ عنایت اللہ]

ر سے کہا کہ گراسلی انڈی سینٹ کے کیا معنی ہوئے - مجھ سے اگر وہ پوچھتے تو میں ان کو بتلاتا کہ اس کے معنی صرف یہ ہیں کہ ان کی تقریر انڈی سینٹ ضرور تھی مگر گراسلی انڈی سینٹ (grossly indecent) نہیں تھی - میں ان کا نام نہیں لینا چاہتا ہوں جنہوں نے گراسلی انڈی سینٹ کے معنی سمجھنے کی کوشش کی - جیسا کہ آنریبل منسٹر نے بتلایا کہ بہت سی چیزیں کسی خاص وقت میں کسی سوسائٹی میں انڈی سینٹ ہوتی ہیں لیکن وہی چیزیں دوسری سوسائٹی میں انڈی سینٹ نہیں ہوتی ہیں ہم جاننا چاہتے ہیں کہ اگر کسی دیہات کی بہن کو یہ کہا جائے کہ چلو آج میٹنگ ہو رہی ہے اس میں چلو تو یہ بہت انڈی سینٹ ہے کیونکہ وہ پردہ میں رہتی ہیں اس لئے میٹنگ میں شرکت کی بات ان کے لئے انڈی سینٹ ہے لیکن دہلی شہر کی رہنے والی عورت کے لئے یہ بات انڈی سینٹ نہیں ہوتی - وہ وہاں بہتر چیز سمجھی جاتی ہے - اس لئے گراسلی انڈی سینٹ (grossly indecent) سمجھنے کے لئے جج (Judge) موجود ہیں - بلکہ صرف جج نہیں آپ کے ساتھ جوری (Jury) بھی موجود ہیں جو جانتے ہیں کہ انڈی سینٹ کس کو کہتے ہیں اور گراسلی انڈی -

(law) کہہ دے کہ فلاں اخبار نے ایسی چیزیں چھاپی ہیں اور اس کو ضبط کر لیا جائے - تو وہ ضبط کر لی جائے گی اور اس کی مثال دیتے ہوئے میرے اُسی دوست نے کہا کہ کوئی اخبار نکل رہا ہے جس پر بہت روپیہ خرچ ہوا - وہ تیار ہے اس کے لئے کہا جائے کہ ضبط کرلیا جائے - یعنی وہ کلکتہ میں ہے - اس کی کاپیاں مدراس اور بمبئی پہنچنے والی ہیں - یا دہلی میں ہے اور آسام پہنچنے والی ہیں - اگر اس میں کچھ قانون کے خلاف باتیں موجود ہیں تو گورنمنٹ اس کو چھاپا مار کر ضبط کر لے - تو وہ تو بہت نامناسب ہوگا - میں کہتا ہوں کہ یہ چیز تو بہت ہی ضروری تھی ورنہ سانپ کے نکل جانے کے بعد لکیر پیٹنے سے کیا فائدہ ہوتا - اگر آپ کوئی ایسی چیز لکھتے ہیں جو ہندوستان کی جلتا کی حکومت میرے یا آپ کی نہیں - ہندوستان کی اپنی حکومت کو برباد کرنے والی ہے - ہندوستان کے امن میں خلل پیدا کرنے والی ہے - ہندوستان کی دو ذاتوں میں - دو برادریوں میں- دو مذہبوں میں دشمنی اور نفرت پھیلانے والی ہے تو حکومت کا فوراً فرض ہے کہ اس کو ضبط کر لے تاکہ ایسا نہ ہو کہ جب تک حکومت سوچتی رہے کہ جج کے پاس جائے - اتھاریٹز (authorities) کو تلاش کرے- نوٹس بھیجے- کیس چلایا جائے - اس وقت تک آپ کے غلط پرچار سے سارے دیش جس پر وہاں کوئی اعتراض نہیں ہوتا تو میں کہتا چاہتا ہوں کہ وہاں کس کی ہمت ہے کہ اس کے خلاف اعتراض کرے - جہاں وہاں کسی نے اعتراض کیا کہ رات کو وہ سائبیریا پہنچ گیا - تو ہم ایسی حکومت بنائیں جس پر کوئی اعتراض نہ کر سکے - تو میں اپنے دوست کو کہونگا کہ ویسی حکومت ہم بنانے کو تیار نہیں ہیں- ہم ایسی حکومت نہیں بنا سکینگے اور اگر ایسی حکومت بن سکی تو میرے خیال میں مہاتما جی کو دوبارہ جنم لینا ہوگا تاکہ ایسی حکومت کو مٹا دے لیکن اعتراض کرتے وقت ہمیں ہمیشہ نان وایولینس (non-violence) یعنی اہنسا پر قائم رہنا چاہیئے اور اگر ہمارے دلوں میں نفرت اور دشمنی نہ پیدا ہو تو نان وایولینس موجود رہے گا اور اعتراضات بھی ہوتے رہینگے اور اسی طریقے سے ہم ہر حکومت کی مخالفت کر سکتے ہیں اور جلتا کی رائے اپنے حق میں کر کے اس حکومت کو بدل بھی سکتے ہیں -

اب میں مجبوراً ایک چیز پر آنا چاہتا ہوں - آنا تو نہیں چاہتا تھا لیکن ایک کلاز پر آنا پڑ رہا ہے - میرے ایک دوست اخبار کے سرپرست نے زور دیا تھا کہ کلاز ۴ میں پاور (power) دی گئی ہے کہ اگر اٹارنی گورنمنٹ کا ایڈووکیٹ جنرل Advocate Gene- (officer of ral) یا کوئی لا آفسر

[خواجہ عنایت اللہ]

پھر کہتے ہیں کہ جس اخبار نے ڈکلیریشن (declaration) نہ دیا ہو پولیس کو اختیار ہے کہ جج کا وارنٹ لے کر اسے ضبط کر لے - یہ تو بہت ٹھیک ہے - جو پریس چوری کر رہے ہیں - جو انڈرگراونڈ (underground) میں جو چھپے چھپے کمیونزم کو پھیلا رہے ہیں ان کو اگر پولیس ضبط کر لیتی ہے تو اس کو ایسا کرنے کا اختیار ہونا چاہئے- میں تو سمجھتا ہوں کہ پولیس کو ہی نہیں بلکہ اس علاقے کی جو پنچایت ہو اس کو اس پریس کو ضبط کر لینا چاہئے کیونکہ وہ بدمعاشی کر رہا ہے -

श्री आर० सी० उपाध्याय : क्या कम्युनिज्म ऐसी बुरी चीज है ?

خواجہ عنایت اللہ : آپ کہتے ہیں کہ کیا کمیونزم اتنی بری چیز ہے - شائد آپ کے لئے نہ ہو - لیکن اِس دیش کے لئے تو اس سے بھی بری چیز ہے جتنی کہ میں کہہ رہا ہوں -

پھر ایک بات کہی جاتی ہے - ٹھیک جیسے پہلے برطانیہ سے کہا جاتا تھا کہ سارے مسلمان ہندوستان کی آزادی کے خلاف ہیں - اسیطرح آج بھی کہا جاتا ہے کہ ساری ہندو جاتی ہندو کوڈ بل کے خلاف ہے - اسی طرح سے کہا جاتا ہے کہ پورا پریس اس بل کے خلاف ہے - کیا اُنکی رضامندی اس بات کے لئے میں زہر پھیل چکا ہو - اس لئے یہ کلاز ۱۰ جو ہے وہ بہت ضروری چیز ہے- بہت مفید چیز ہے- اس کو تو ہونا ہی چاہئے - اگر نہ ہوتا تو میں درخواست کرتا کہ اس بات کو رکھدیا جائے کہ قبل اس کے کہ آگ لگا دی جائے - دیاسلائی ہاتھ میں ہو اور کوئی آدمی گھر میں آگ لگانے جا رہا ہو تو اس کا ہاتھ فوراً روک دیا جائے - تو اس کلاز کے خلاف شکایت کرنے والوں کو شائد غلطی لگی ہے - وہ کہتے ہیں کہ اس طرح سے اخباروں کا نکلنا مشکل ہو جائے گا مگر ایسا اخبار نکلے ہی کیوں جس کے ضبط ہونے کا ڈر ہو - اپنی حکومت ہے - اس پر اعتراض کرو - اپنی حکومت ہے اس سے ناراض ہو تو اس کو ہٹانے کے طریقہ سے بدلنے کی کوشش کرو - آپ لوگوں کو اپنے ساتھ ملانا چاہئے - الیکشن (Election) آ رہا ہے - اپنی کرتوتوں اور موجودہ حکومت کی کرتوتوں کو سامنے رکھ کر ان کا ووٹ اپنے حق میں لینا چاہئے - یہ سب چیزیں آپ کے کرنے کی ہیں - لیکن اس کے کیا معنی ہیں کہ کسانوں کو بتلایا جائے کہ زمینداروں کو کچھ مت دو - اور اگر وہ مانگیں تو ان کے ڈنڈا رسید کر دیا جائے - اور اگر موقع ملے تو بلدوق سے مار دیا جائے - یہ تو کمیونسٹوں کے ڈھنگ ہیں - ابھی آپ کے سامنے حیدرآباد میں کیا ہو رہا ہے

رپورٹ سے ایک فرسٹ کلاس مجسٹریٹ کہہ دیا کرتا تھا کہ یہ صحیح ہے - اس کی بنا پر پریس کو ضبط کرنا - اخبار کو بند کر دینا - سکیورٹی مانگ لینا یہ سب جائز سمجھا جاتا تھا - مگر آج اس پریس کو آزادی دے دی ہے - اگر ایسی چیز کوئی پریس غلطی سے لکھ جاتا تھا تو بھی یہ کبھی نہیں سمجھا جاتا تھا کہ وہ قابل معافی ہے - آج تو یہ حق ہے کہ ایک کمپیٹینٹ اتھارٹی (competent authority) پہلے مقدمہ دائر کرے- وہ جج کے پاس جائے گا - جج سوچیگا کہ حکومت نے یعنی پولیس نے یا کسی کمپیٹینٹ اتھارٹی نے جو مقدمہ دائر کیا ہے اس کے پاس اخبار کے خلاف کہاں تک صحیح ثبوت ہے - پھر جج ہوگا - اور اس کے ساتھ جوری بھی ہوں گے - جوری کیسے ہوں گے وہ جوری جلتا کے ہونگے - جو اخباروں کی سب چیزوں کو جانتے ہونگے اور لٹریچر (literature) کو سمجھتے ہونگے - وہ لوگ بیٹھے ہونگے - لوگوں نے کہا کہ جج تو ایک حکومت کا آدمی ہوگا - جو جوری بیٹھے ہیں ان پر آپ کو وشواس نہیں - جج پر آپ کو وشواس نہیں - ہائی کورٹ پر وشواس نہیں - سپریم کورٹ پر وشواس نہیں - دنیا میں کسی پر آپ کو بشواس نہیں تو آپ کو کس کے پاس لے جائیں - کیا آپ کو پرماتما کی عدالت میں لے جائیں کہ اس نے یہ قصور کیا ہے -

لی گئی ہے - جو بیچارے پریس کے کرمچاری ہیں- جو رپورٹر (Reporter) ہیں یا اور کام کرنے والے آدمی ہیں وہ کیسے اس کے خلاف ہیں - ان کو اس سے کیا مطلب ہے - وہ کبھی نہیں چاہینگے کہ اپنے آپ کو خطرہ میں ڈال کر کوئی ایسی تشدد والی بات لکھیں جس سے ان کا نقصان ہوتا ہو - پھر اس بل کے پاس ہو جانے سے ان کا نقصان ہی کیا ہے - ضبط ہوگا تو اخبار - سکیورٹی (Security) مانگی جائیگی تو اخبار سے یا پریس سے - لوگوں نے کہا ہے کہ اس بل میں کوئی تبدیلی نہیں ہوئی ہے - جیسا پہلے تھا ویسے کا ویسا ہی ہے - مجھے تو یہ سن کر تعجب ہوتا ہے - یا تو میرے نے ہی اس کو ٹھیک سے نہیں سمجھا ہے یا ایسا کہنے والے نہیں سمجھے ہیں -

एक माननीय सदस्य : दोनों बातें सही हैं ।

خواجہ عنائت اللہ : تب تو ہمیں اطمینان سے ہوم منسٹر صاحب کی بات کو مان لینا چاہئے - نہ وہ سمجھتے ہیں - نہ میں سمجھتا ہوں- تو ہوم منسٹر سب کچھ سمجھتے ہیں وہ جو چاہیں کریں - اس قانون کے بموجب پہلے کے پریس کے ۲۱ قانون کو ختم کر دیا گیا ہے - اور شاید لوگوں کو یاد نہیں - حافظہ ذرا کمزور ہو گیا ہے - پہلے سی - آئی - ڈی - کی ایک رپورٹ یا ایک سب انسپکٹر کی

پالیسی کے خلاف کہیں ہندوستان کو برباد کرنے کی کوشش کر سکتے ہیں - اس لئے جو کچھ بھی آپ سے ہوا وہ غلطی سے ہو گیا ہے - اس کے لئے آپ کو کوئی سزا نہیں دی گئی ہے - لیکن یہ کہا گیا ہے کہ ایسی غلطی آئندہ نہ ہو اس لئے ضمانت کے طور پر آپ تھوڑا سا روپیہ ہمارے پاس رکھ دیجئے تاکہ آپ دوبارہ یہ غلطی کریں تو وہ ضبط کر لیا جائے - اس سے زیادہ آسانی اور کیا ہو سکتی ہے کہ آپ کا جرم بھی ثابت ہو گیا - جج نے ثابت کر دیا - جوری نے ثابت کر دیا پھر بھی آپ کو کوئی سزا نہیں دی جاتی ہے لیکن یہ کہا جاتا ہے کہ سیکورٹی جمع کر دیجئے -

پھر اس سے زیادہ آسانیاں اور ریزنیبل ریسٹرکشنس (reasonable restrictions) کیا ہو سکتے ہیں - کہا جاتا ہے کہ جو وعدہ کیا گیا تھا وہ پورا نہیں کیا گیا - تو میں کہتا ہوں کہ اس سے زیادہ ریزنیبل ریسٹرکشن اور کیا ہو سکتا ہے - یا تو یہ ہو سکتا ہے کہ لالیس نیس (Lawlessness) ہو - ساری دنیا کے لئے تو قانون ہو مگر پریس کے لئے قانون نہ ہو - اگر یہ مان لیا جائے تو دوسری بات ہے - ورنہ اس سے زیادہ ریزنیبل ریسٹرکشن اور کیا ہو سکتا ہے - انسائٹ منٹ ٹو کرائم (incitement to crime) یعنی جرم کو روکنے کے لئے اس سے زیادہ ریزنیبل ریسٹرکشن اور کیا ہو سکتا ہے -

एक माननीय सदस्य : खुद भी तो जाना पड़ेगा ।

श्री देशबन्धु गुप्ता : वायोलेन्स हो जायगी, आप भी गिरफ्तार हो जायेंगे ।

خواجہ عنایت اللہ : ایسا کرنے میں وایولینس کرنی پڑے گی تو وہ بھی کریں گے - میں بھی چلا جاؤنگا - کوئی بھیجنے والا تو ہو - وایولینس ہم بھی پریچ (preach) کر سکتے ہیں اس کے لئے جو ہشر آپ کا ہوگا وہی میرا بھی ہوگا - اب دیکھئے جب آپ نے کوئی قصور کیا اور وہ ثابت ہوگیا - جج نے ثابت کر دیا حکومت نے نہیں - آپ کو اُن لوگوں نے مجرم ثابت کر دیا جو ان کے ساتھ بیٹھے ہوئے تھے - تب بھی کیا ہوگا - آپ کو کوئی سزا نہیں دی جائے گی - کہا جائے گا کہ بھائی - تم غلطی کرتے ہو - تمہاری قلم اکثر پھسل جاتی ہے اور اب یہ دوسری دفعہ یہ صورت نہ اختیار کرے اس خیال سے ذرا ضروری ہو جاتا ہے کہ کچھ سیکورٹی آپ جمع کر دیں جس میں آپ کو یاد رہے کہ اگر دوبارہ آپ وہ غلطی کرینگے تو سیکورٹی ضبط ہو جائے گی - اور کوئی سزا آپ کو نہیں دی گئی - بلکہ یہ سوچ کر کہ جو جرم آپ نے کیا ہے وہ شائد غلطی سے کر دیا ہے یا قصداً بھی کر دیا ہے - لیکن حکومت یہی خیال کرتی ہے کہ آپ غلطی سے کر گئے ہیں - آپ ہندوستانی ہیں - آپ بھاگ جائیں

سے تباہی آئی ہے تو اس کے لئے سزا موجود ہے - اگر آپ کے پستول چھیننے سے پہلے جس سے کہ آپ کسی دوسرے کو مارنے جا رہے ہیں - یہ معلوم ہو جائے کہ آپ اس کے پہلے ہی کس کو گولی کا نشانہ بنا چکے ہیں اس کی سزا آپ کو یقیناً دی جائے گی - اگر کسی کی آج بندوق چھینی جاتی ہے - مگر واقعہ یہ ہے کہ اس سے پہلے ہی وہ کسی کو نشانہ بنا چکا ہے تو اس جرم کی اس کو سزا ضرور دی جائے گی اس لئے اس کلاز کی ضرورت ہے - اب وقت بہت زیادہ ہو گیا ہے - اور میرا خیال ہے . . . .

श्री सिंघवा : मसाला खत्म हो गया है ।

خواجہ عنایت اللہ : جس طرح کا مصالحہ یہاں پر پیش کیا جاتا ہے وہ تو دن بھر میں ختم نہیں ہو سکتا - لیکن میں چاہتا ہوں کہ جو مصالحہ ہو وہ کارآمد مصالحہ ہو -

ان الفاظ کے ساتھ میں اس قانون کی پورے زور کے ساتھ تائید کرتا ہوں اور میں اس بات کی بھی تائید کرتا ہوں کہ اس بل کو سلیکٹ کمیٹی میں بھیجا جائے بشرطیکہ کچھ ایسی ترمیمات کو جن سے شہری آزادی میں جو روک لگتی ہے وہ دور ہوتی ہو ہوم منسٹر صاحب منظور فرما لیں -

(English translation of the above speech)

Khwaja Inait Ullah (Bihar): Sir, it is three days now since this Bill came up for debate. I have observed that

یہ اتنا ریزنیبل ریسٹرکشن اس لئے لایا گیا ہے کہ آپ ریزنیبل لوگ ہیں - پڑھے لکھے لوگ ہیں - آپ سب کچھ جانتے ہیں - آپ نرم ہیں - آپ کو سختی کی ضرورت نہیں ہے - عقلمندوں کو اشارہ ہی کافی ہوتا ہے - ورنہ اگر ہم آپ کو عقلمند نہ سمجھتے تو ہم اور سخت ریسٹرکشن لاتے تاکہ ہندوستان میں اچھی حکومت امن سے ہو سکتی

ایک بات اور کہی گئی ہے جو میری سمجھ میں نہیں آئی - شائد کوئی وکیل ہوتا تو سمجھاتا - کلاز ۳۲ میں کہا گیا ہے :

"Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act."

کہتے ہیں کہ جب یہ لا (Law) موجود ہے تو اور دوسرا لا کیوں لا رہے ہیں - یہ تو بہت سیدھی سادھی بات ہے جو کہ آپ کے سمجھ میں نہیں آ رہی ہے - میں سمجھائے دیتا ہوں - کسی آدمی کو گولی سے مار دینا جرم ہے - لیکن اگر آپ بازار میں پستول لئے ہوئے گھوم رہے ہیں تو کیا یہ جرم نہیں ہے - آپ کے پاس ایک اخبار ہے - ایک اخبار سے آپ یہ کام کر سکتے ہیں کہ اس میں آپ ایک آرٹیکل لکھکر سارے ہندوستان میں تباہی اور بربادی لا سکتے ہیں - تو کیوں نہ آپ کے اخبار کو ہی بند کر دیا جائے - اور اگر یہ ثابت ہو گا کہ آپ کے اخبار کی وجہ

[Khwaja Inait Ullah]

my esteemed colleagues have started discussing the clauses, ignoring the real issue, although the object behind the present discussion on this Bill was whether or not the Bill, as it is before us now, should be sent to a Select Committee, because even after the Select Committee stage there would be a fair scope for changes in the clauses. Discussing every clause at the present stage was, therefore, an untimely tune.

My colleagues have raised a cry in the sacred name of the "Freedom of the Press". I remember how twenty or thirty years ago when India was fighting for her freedom, some self-interested people raised such slogans as "Islam in Danger", "Hinduism in Danger", though neither of the two religions was actually in danger. They themselves were in danger and wanted to use others as scapegoats. In the same way, these people, motivated by self-interest want to raise the bogey of the freedom of the Press being in danger. The simple and ignorant masses are being made to believe that the Congress Government wants to take away the freedom of the Press although the position is just contrary to that, as I shall disclose presently. Newspapers are not being deprived of their freedom; on the other hand freedom is being granted to them.

Some hon. members have stated in the course of the debate that there was no need of enacting a press law, and they should be left free. To them I beg to submit that they are, perhaps, unaware of the correct significance of "freedom". Freedom implies limitations; freedom without limitations means nothing Every man, big or small, needs some checks or 'limitations' to be placed on his freedom. Only one type possibly does not need any restrictions and it is a lunatic. No laws are needed for a lunatic. He is perfectly free. No law governs him, but for every civilized man and every civilized nation restrictions are but essential. The Press thinks itself to be most civilized. It claims to make people civilized. This Government will be committing a serious blunder if no Act is formulated for limiting the freedom of the Press. To them who, today, with all their strength oppose this Press Act, I want to make clear that they are short-sighted and that their conduct is suicidal. They, perhaps, do not know that Communists and Communalists both will behave like unreined steeds, and take undue advantage of the present position. This will harm the interests of those very people who are opposing it. Today you raise a cry against this Bill, but I think the Government is doing a benevolent act to you all so that your presses, papers and property should remain with you and the Communists may not get any opportunity to announce in public or through printed pamphlets that the properties of the owners of the big presses, or of the masters of great riches, be set ablaze, or that they should be beheaded, or that their papers be seized; or that the man hawking 'Hindustan Times' be deprived of his wares and killed. The Government is doing a benevolent act by enacting this law. That unbridled freedom will be harmful to you, and I believe that all those, who are speaking against this Bill, are following a suicidal' policy. Nobody, moreover, bars you from getting what you want. I am trying to be brief as the time at my disposal is short. You have said: "this Act suppresses the voice of the people'. To this I assert that not only in the case of the present motion but also in the case of hundreds like this, I shall be the first person to offer opposition here and defiance outside, if they were made for crushing the voice of the people. So far as this Act goes, I have to say that my colleagues have misunderstood it for that is why they are saying that it has suppressed the voice of the people. There is nothing, whatsoever, in it nor is there any such clause as would be said to have suppressed the public voice. Some hon. members, while opposing it, have referred to the inability of peasants to speak against the landlord after the Act is passed; how will a poor man speak against a capitalist, or a labourer against a mill-owner, they say. Then I would ask where the Act deters such people from speaking against others. There is no such thing as this. Some people bringing in "the interference with the administration of Law" say that then there is a law of supply, how can they interfere in it. To them I would submit that they do not know the difference between 'interference' and 'criticism'. Yes, they do not know, it seems. Quite true that there should be a law so that nobody may have the right to interfere with any law of our Government. If you interefere with law, no Government shall be able to maintain law and order. To illustrate 'interference'—the Government says that a certain person shall sell corn at a certain shop, and if some other man comes into the shop, drags out the shopkeeper forcibly saying that he (the original shopkeeper) shall not sell the corn but he

(the aggressor) will, this means interference with Government Law. That we have to stop. Same is the case with the procurement of corn in the villages. You may not give corn to the Government; all right, you may tell them with impunity that "Corn-procurement Law" is wrong; you may court arrest, but this does not mean that you should form a front against the officers on duty, and kill the Government officials sent for procurement; that means interference. Contrarily, if this or some other law of India stops you from criticizing the Government, it is our duty—the duty of us all—to put an end to that law. This we have already been taught by the late Mahatma. Some people have contended that there is no need of calling "enmity" and "hatred" a crime. They say if there had been "religious" in place of "classes", there might have arisen the question of 'enmity' and 'hatred' between a Hindu and a Mohammedan, but they say why should there be mention of hatred amongst classes. I must say that they do not understand the principles of the Mahatma. Quite true that we want to abolish *Zamindari*, but we do not want to have any enmity with or hatred for the *Zamindar* class. We, no doubt, desire of the factory-owners that they should give full pay to their workers and share more and more profits with them, but we do not want to see any enmity or hatred spreading between the worker and the factory-owner. We must have such a provision; and this much, too, is true that our Government should stop enmity and hatred; if she does not do so, I shall have to assume that she has forsaken the principles of Mahatma Gandhi too soon. The provision regarding hatred and enmity between the classes, therefore, is all right; there should not be any enmity and hatred between the *Zamindars* and *Kisans* (Landlords and peasants), between mill-owners and labourers. Those of my colleagues, who objected to these words have perhaps forgotten the Mahatma and forsaken his principles. What do hatred and enmity mean after all? Whenever anybody falls victim to these, he gets somehow an opportunity to be violent. That is why we want to stop enmity and hatred, the first steps towards violence, so that we may not have any chance to take recourse to it. I understand the Act would be incomplete and invalid if it did not include this clause. The Act would definitely be incomplete without the said clause. Some members have asked the meaning of the expression 'grossly indecent'. Would these colleagues ask me about it, I would state by way of illustration that their speeches were, no doubt, indecent but not 'grossly indecent'. I do not want to name those who have expressed a desire to know the meaning of the expression 'grossly indecent'. As the hon. Minister has stated, many things are indecent in a particular society at a particular time, but those very things are treated otherwise in some other society. We do know that it is very indecent to invite a village woman to a meeting. As women in villages are under veil the talk of participation in a meeting is indecent to them but it is not so to a woman of Delhi City. In Delhi it is thought to be a decent thing. Judges are there to decide what is 'grossly indecent'; not only judges but the members of the Jury as well are there, who know what 'indecent' and 'grossly indecent' mean. One of our friends here pleaded against the enactment of such a law, and advocated the formation of such a Government instead, as would not be objected to by the people. I wonder how such elderly and experienced people could say that laws need be not framed but such a Government be formed as would not be objected to. I would like to assert that there would be an all-round objection to the Government of God even. How can there be any Government which would be free from objections? If you form a governing body of good men, the bad ones will object to it; and if bad men come to govern, the good ones will have objections. Likewise, if you frame a law prohibiting stealing, the gang of thieves will start opposing you bitterly; and if a law is framed against blackmarketers prohibiting blackmarketing, the whole section of blackmarketers will object to it. So you see that no such Government as can be free from objections will ever be possible. You may say that Russia has a Government free from objections; but here I want to point out that nobody has the courage to object against it there. The moment anybody starts speaking against it, he will be transported to Siberia that very night. I would like to tell my friend that we are not prepared to form such a Government as might be above question. We cannot form that type of Government; and, if it does come into existence, I think the Mahatma will have to get reincarnated so that such a Government might be abolished. While raising objections we should bear in mind 'non-violence' and if enmity and hatred are not roused in us, non-violence could have a chance. Objections there will be; and every Government can be opposed in this way: We can change a Government by winning over public opinion.

[Khwaja Inait Ullah]

Now I shall have to dwell on a point here; I, in fact, never wanted to do it, but a clause makes me do this. One of my friends, patron of a newspaper as he is, has asserted that clause 10 empowers the Advocate General of a State Government or any law-officer to confiscate a paper, if he holds that it has published some such things. Citing an example this friend of mine said: some newspaper, on which so much expenditure has been incurred, is running smoothly; the paper is ready and it is ordered that the same be confiscated. Now, the paper is published in Calcutta and its copies are about to reach Madras and Bombay, or say it is published in Delhi and the copies are about to reach Assam; if there are some lines therein against the law, the Government raids its office and confiscates it; that this would be so improper. I assert that this was but essential, or else what will be the use of beating the track after the snake is gone? If you write such a thing as is ruinous for the Government of India, her people's own Government, tends to disturb the peace of the country, or spread enmity and hatred between the two religions, communities or castes, it is the immediate duty of the Government to confiscate it lest the venom should spread by false propaganda while the Government is considering it, approaching a judge, looking for the authorities or issuing notices for launching a prosecution. Clause 10, therefore, is a very essential and useful provision. This should but be there. Had it not been there I would have requested the House to include it so that we all could thwart the malicious designs of the man coming with a match-stick in his hand to set our house ablaze. People complaining against this clause are mistaken. They say it will be so difficult to bring out newspapers under such circumstances. But, why bring out a paper which dreads confiscation. Object to the Government; it is your own. Try to change it in a non-violent way if you get annoyed with it. You should secure the support of the people. Elections are ahead. Comparing your own doings and your Government's doings, you should obtain for your side the votes of the people. These are the things to be done by you. But what is the sense in telling the peasants to stop giving any corn to their landlords and to kill them if they ask for any. These are the ways of Communists. Don't you know how things are happening in Hyderabad?

There, the police is empowered to have a warrant issued by a Judge and confiscate the newspaper which has not filed a declaration. This is quite proper. Presses, which operate in a clandistine manner, spread Communism behind the screen and work underground should justly be confiscated by the Police. Police should be authorized to do this. I think not only the police but even the *Panchayat* of that place should be authorised to confiscate the press if it is up to mischief.

Shri R. C. Upadhyaya (Rajasthan): Is Communism so bad a thing?

Khwaja Inait Ullah: You say, is Communism so bad a thing; it may not be so for you, but for this country it is even worse than what I am saying for it.

There is yet another allegation made. Just as Britain used to be told formerly that all Mohammedans were against the freedom of India, in the same way it is said today that the entire Hindu Community is against the Hindu Code Bill. Likewise, it is said that the entire press is against this Bill. Has their opinion been ascertained? How are the poor press-workers, reporters or other people of the line against this Bill? How are they concerned with it? They would never like to take the risk of writing anything savouring of violence as it would be harmful to them. And how are they harmed if this Bill is passed? If confiscated, it will be the paper; and if security be demanded, it will be from the paper or the press. People have said that there has been no change in the Bill, that it is as it was before. I am surprised to hear this. Either I have not understood it correctly or the people saying that have misunderstood it.

An Hon. Member: It is correct both ways.

Khwaja Inait Ullah: We should then patiently agree to what the hon. Home Minister proposes. The man raising the objections does not understand, nor do I understand. Well, the hon. Minister of Home Affairs understands everything; then let him do as he pleases. According to this law 21 former enactments relating to the press have been repealed. Possibly people no longer remember—their memory has weakened a little—that a first class magistrate previously used to hold a sub-Inspector's Report or a CID report as correct and, on the basis thereof used to confiscate the press, stop the publication of the newspaper and demand a security. All this was thought to be proper. But the press has been made free today. If any press mistakenly

published some such thing, it would never be considered as pardonable. Today the procedure is that a competent authority would file a case; it would go to a Judge: the Judge would consider to what extent the evidence of the Government, i.e., the police or the competent authority is correct. Then the judge would be assisted by a jury. What type of Jury will it be? It will be chosen from among the people. The jurors would be conversant with the affairs of the newspapers and would be understanding that kind of literature. You say the Judge would be a man of the Government; well, the Jury is there then. But you do not trust them also. You do not trust the Judge, you do not trust the High Court, you do not trust the Supreme Court, you do not trust anybody in this world. Where shall we take you them? Should you be taken to the Court of God for this offence?

An Hon. Member: You, too would have to accompany.

Shri Deshbandhu Gupta: That would amount to violence; you, too, would be arrested.

Khwaja Inait Ullah: If violence is to be resorted to for this, it would be done. I, too, shall go, if there is anybody to send me. We too can preach violence for this. I too shall meet the same lot as will be yours. Now see: you commit an offence and it is proved; the judge gives that finding, not the Government. Those sitting with him find you guilty. Still what happens? You won't be given any punishment. It will be said: brother, you are making a mistake; your pen, as it slips often, may not adopt the same line next time. It becomes necessary, therefore, that you deposit a security so that you might remember that it would be forfeited if the mistake is made a second time. No other punishment is given. It is assumed that the offence you have committed is due to a mistake or, even if it is intentional, the Government thinks that you did it by mistake. You are an Indian, so how can you, against the right policy, attempt to destroy India. Whatever you did, was done by mistake. No punishment is given to you for this but as a precautionary measure, lest you should repeat such a mistake in future, you are asked to deposit some money with the Government so that if you repeat the mistake it should be forfeited. What more facilities can there be, that you are not punished even when both the judge and the jury find you guilty? You are not sentenced but simply asked to furnish a security. What more facilities and reasonable restrictions can there be then? It is said that promises made have not been kept. I say what more reasonable restriction could be there? The alternative would be lawlessness. Law there will be for the entire world but not for the press? Well, if that is granted, it is a different thing altogether, or else there can be no more reasonable restriction than this. This reasonable thing has been introduced only as you are reasonable and educated men. You know everything; you are mild and need no harshness. A word to the wise is enough. Had we not given your credit for that much prudence even more stringent restrictions would have been introduced so that a good and peaceful administration could be run in India.

One more point has been advanced which I could not follow. Perhaps, a lawyer could make it understood: Clause 32 reads:

> "Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act."

It is said when this law is there why bring in another. This is quite a simple thing to understand which you do not. I shall make it clear. It is an offence to shoot down a man. But, is it not an offence to roam about in a bazaar with a pistol in your hand? You have got a newspaper. You can commit such an act with it. By writing an article you can bring ruination and devastation to the entire land. Why not close your papers then? If it is proved that this ruination took place because of your paper, punishment is there for it. If it is known that you have already had a mark with your bullet just before the pistol with which you are going to aim at some other man now is snatched away from you, you will surely be punished for it. If today the gun is snatched from a man, about whom it is learnt that he has already had a mark with it—he would be definitely punished for that. For this reason the clause is necessary. I have taken much time and I think.....

Shri Sidhva: The stock is finished.

Khwaja Inait Ullah: The kind of stock that is offered here, cannot be finished even in one full day, but I am in favour of offering useful stock.

With these words Sir, I strongly support this Bill, and also the motion

[Khwaja Inait Ullah]

that it be referred to a Select Committee, provided the hon. Home Minister accepts some of the amendments which aim at the removal of restrictions on civil liberties.

श्री राघेलाल व्यास : श्रीमान्, मैं समझता हूं कि मेरे मित्र इनायत उल्ला साहब ने इस बिल के पक्ष में अपनी बातें काफ़ी सुन्दर ढंग से रखी हैं। अब मुझे कोई ज्यादा कहने की तो जरूरत नहीं है। फिर भी मैं समझता हूं कि कुछ बातें आप की सेवा में पेश कर दूं।

प्रेस और समाचारपत्र यह प्रत्येक देश के लिये एक बिल्कुल आवश्यकीय वस्तु हैं। प्रेस देश में जनमत को तैयार करता है, जनता को शिक्षित करता है और देश में फैली हुई बुराइयों को दूर करता है। इसलिये यह बहुत ही जरूरी वस्तु है। लेकिन हम को यह देखना चाहिये कि अभी चार ही वर्ष हुए हैं कि हमारे देश को आजादी मिली है। हम इस बात को भूल जाते हैं जब कि हम नागरिक स्वतंत्रता और प्रेस की आजादी की तुलना दूसरे देश के साथ करने लगते हैं। यह तो मानी हुई बात है कि शिक्षा में हमारा देश अभी दूसरे देशों से बहुत ज्यादा पिछड़ा हुआ है और जो इस देश का शिक्षित वर्ग है उस को भी केवल एक ही किस्म की शिक्षा दी गई है। ब्रिटिश साम्राज्य के जमाने में डिसिप्लिन (discipline) और उस के साथ ही कर्तव्य पालन, टालरेंस (tolerance) आदि की शिक्षा की तरफ़ ध्यान नहीं रहा, और यही कारण है कि हम को आजादी मिल जाने के बाद अब भी हमें अपने देश में इतनी खामियां और बुराइयां नजर आ रही हैं। यह इसी कारण है कि शिक्षा के उस पहलू की तरफ़ विदेशी हुकूमत ने कभी ध्यान नहीं दिया और हमारी गवर्नमेंट भी बहुत से और झंझटों में फंसी रहने के कारण उस पर ध्यान नहीं दे सकी। तो हमारा देश इस परिस्थिति में है यह हमें नहीं भूलना चाहिये। आज हम देखते हैं कि देश में बहुत बड़े जिम्मेदार पत्र भी हैं। उन के लिये यह कानून है कि ऐसा तो नहीं कहा जा सकता। लेकिन मैं पूछना चाहता हूं कि क्या देश में ऐसे छापे खाने नहीं हैं और ऐसे समाचारपत्र नहीं हैं जो कि गन्दी से गन्दी बातें छापते हैं और जो हमारे सारे देश में जहर फैला रहे हैं और हमारे नौजवान बच्चों के दिमाग को खराब कर रहे हैं। अगर हैं, तो क्या उन की रोक नहीं की जानी चाहिये। एक क्लाज ३ को ले कर हमारे मित्रों ने उस के विरोध में बड़ी तूल तवील बहस की और सख्त से सख्त विरोध किया। उन्होंने कहा कि यह तो जहर है। मैं कहता हूं कि अगर किसी अच्छे अस्पताल में रोग को दूर करने के लिये कुछ जहर रखा हो या आपरेशन के लिऐ कोई शस्त्र रखा हो, तो क्या कोई यह कह कर उस का विरोध कर सकता है कि यह जहर तो सब को मार डालेगा और यह शस्त्र सब को काट डालेगा। तो मैं समझता हूं कि यह जो क्लाज है यह एक दवाई का क्लाज है। यह उन समाचार-पत्रों के लिये नहीं है जो कि स्वस्थ हैं, जिन का दिमाग साफ़ है, जो हिन्दुस्तान की सेवा करना चाहते हैं, जो हिन्दुस्तान का लोकमत अच्छाई को और ले जाना चाहते हैं, उन के लिये यह प्रेस ला (Press law) नहीं है और न उस का उपयोग उन के खिलाफ़ इन चार वर्षों में कभी हुआ है। और जब तक ये समाचार पत्र अच्छे रास्ते पर हैं इस कानून को उन के विरुद्ध उपयोग में लाने का कभी अवसर ही नहीं आ सकता। परन्तु वह जो जहर फैलाना चाहते हैं वह जो कि खराबी और बुराई को बढ़ाना चाहते हैं, क्या उन के लिये इस प्रकार के क़ानून की आवश्यकता नहीं है? मैं तो समझता हूं कि हमारे शासन ने यह बिल बहुत डर और संकोच के साथ

पेश किया है क्योंकि वह जानते थे कि जिस तरह वह इसे पेश कर रहे हैं उस का सख्त विरोध होगा। उस में कुछ ऐसी बातें हैं जिन का संशोधन होने की जरूरत है। वह भी शायद उन्होंने इस लिये रखी हैं कि यह बिल सिलेक्ट कमेटी में जायगा वहां कुछ बातें निकालनी ही पड़ेंगी और इस को नरम करना पडेगा। मैं समझता हूं कि जब यह बिल सिलेक्ट कमेटी में जायगा तो जिन बातों को ग़ैर जरूरी या आपत्ति जनक समझा जायगा निकाल दिया जायगा। परन्तु मैं चाहता था कि कुछ बातों में इस से भी ज्यादा सख्ती की जानी चाहिये थी। मैं समझता हूं कि देश में ऐसे कई लोग हैं जो कि एक दूसरे को बदनाम करने के लिये एक डिक्लेरेशन (declaration) दे देते हैं। गवर्नमेंट की तरफ़ से डिक्लेरेशन बहुत आसानी से मिल जाता है और मिलना भी चाहिये। खराब आदमी अपनी दुश्मनी निकालने के लिये चाहे किसी के खिलाफ़ एक दो आर्टिकल लिख कर बैठ जाते हैं और महीने दो महीने में कभी कभी एक अंक निकाल देते हैं और जब मतलब निकल जाता है तो बन्द कर देते हैं। फिर जब चाहा तो फिर एक दो अंक निकाल दिये। क्या उन की रोक थाम नहीं की जानी चाहिये ? मैं पूछता हूं कि क्या समाचारपत्रों की आज़ादी का मतलब स्वच्छन्दता से है ? मैं समझता हूं कि हमारे समाचारपत्रों की जो संस्था है उस की भी इस में बहुत ज़िम्मेदारी है। पर वह उस के खिलाफ़ अपनी आवाज़ नहीं उठाती। उन्होंने कभी इस का विरोध नहीं किया कि वह समाचारपत्र जो कि गन्दी से गन्दी बातें लिखते हैं और ज़हर फैलाते हैं उन को बन्द किया जाय। ऐसे समाचार पत्र दूसरे समाचारपत्रों को भी बदनाम करते हैं। अगर एक आम सड़ा हुआ हो तो वह सारे आमों को खराब कर डालता है। इसी तरह जो गन्दे समाचारपत्र हैं वह दूसरों को भी बदनाम करते हैं। इस लिये अच्छे समाचार पत्रों का और उन के सम्पादक सम्मेलन का यह कर्तव्य हो जाता है कि वह ऐसे समाचार-पत्रों के विरुद्ध आवाज़ उठायें और उन को बन्द करायें। मैं उन से एक ही प्रश्न पूछना चाहता हूं। दिल्ली में एक बहुत बड़ी मीटिंग हुई थी और उस में हमारे प्रधान मंत्री को सब से बड़ा कम्यूनलिस्ट (communalist) और कम्युनिस्ट (communist) कहा गया था।

मैं पूछना चाहता हूं कि क्या इन ज़िम्मेदार समाचारपत्रों ने उस के खिलाफ़ एक शब्द भी लिखा ? आज इस तरह का प्रचार देश में कर सकते हैं। क्या इस से यह लोग सहमत हैं ? क्या एक आदमी एक ही वक्त में कम्युनलिस्ट और कम्युनिस्ट दोनों हो सकता है ? लेकिन समाचारपत्रों ने एक दो लाइन भी उस के विरोध में लिखने का मेरे खियाल से साहस नहीं किया। अभी तक तो कोई चीज़ नहीं आई है। जहां तक अखबारों की स्वतन्त्रता का मतलब है उस का यह तात्पर्य है कि उन को पूरी स्वतन्त्रता मिलनी चाहिये। लेकिन उस स्वतन्त्रता में यह भी बात शामिल है कि उस स्वतन्त्रता का दुरुपयोग न हो, वह स्वच्छन्दता की हद में न पहुंचे और जहां वह स्वच्छन्दता की हद में पहुंचे वहां हर एक नागरिक का कर्त्तव्य हो जाता है कि उस के विरोध में आवाज़ उठाये और उस को दूर करने की कोशिश करे।

मेरे एक मित्र ने कहा कि जब हम बाहर जाते हैं, अमेरिका वग़ैरह में, तो वहां के लोग हम से पूछते हैं कि हमारे देश में जो क़ानून अंग्रेज़ों के ज़माने में बनते थे उस समय उन का जितना विरोध करते थे वही क़ानून आज हमारे यहां बन रहे हैं, तो हमारे पास इस का क्या

[श्री राघेलाल व्यास]

जवाब है। मेरे मित्र ने कहा कि हम खामोश थे, हम क्या जवाब देते। मैं समझता हूं कि इस का तो बहुत अच्छा जवाब वह दे सकते थे, वह कह सकते थे कि हम जानते हैं कि हमारे देश में कितनी आजादी समाचार-पत्रों को है, और हमारे यहां कितनी नागरिक स्वतन्त्रता है। अमेरिकनों से आप कहते कि तुम हिन्दुस्तान के खिलाफ़ तो इतनी आवाज उठाते हो, लेकिन तुम डाक्टर मलान के खिलाफ़ जो आज भी इतनी मलिनता फैला रहे हैं क्या प्रचार करते हो। उन से आप पूछते कि हमारे देश से एक साधू आदमी जैसे श्री कुमारप्पा, जिन्होंने अपना सारा जीवन गांधीवाद में ही बिताया है, जो बिल्कुल ही हार्मलैस (harmless) आदमी हैं, जो बहुत ही विद्वान पुरुष हैं, जब अमेरिका में जाते हैं उन के भाषण पर क्या अमेरिका ने प्रतिबन्ध नहीं लगाया। क्या यही अमेरिका की नागरिक स्वतन्त्रता है? यह सवाल आप उन से पूछते और कहते कि पहले इस का जवाब दीजिये तब हम से पूछिये कि हिन्दुस्तान में नागरिक स्वतन्त्रता है या नहीं। परन्तु वह कहते हैं कि हमारे पास जवाब नहीं था।

श्री कामत : प्रतिबन्ध नहीं लगाया लेकिन आक्षेप किया था।

श्री राघेलाल व्यास : वह उस के बाद भाषण भी नहीं दे सके और उन पर जहां तक मेरा ख्याल है प्रतिबन्ध भी लगा दिया था।

श्री गोयनका : जी नहीं।

श्री राघेलाल व्यास : प्रतिबन्ध लगा था। समाचारपत्रों में यह सब बातें आई थीं और वह उस कान्फ्रेंस में शामिल नहीं हो सके। तो यह दशा है जहां तक नागरिक स्वतन्त्रता का सम्बन्ध है। मैं यह समझता हूं कि हमारी गवर्नमेंट ने तो इस बिल में एक मामूली सी बात रखी है। उस में कुछ भी ऐसी बात नहीं है जिस से कुछ घबराहट हो। इस बिल का आशय केवल इतना ही है "कीपर आफ़ दी प्रेस एंड पब्लिशर आफ़ दी न्यूजपेपर और न्यूज शीट" (Keeper of the Press and Publisher of the Newspaper or the news-sheet) से केवल कुछ सूरतों में जब कि वे आबजैक्शनेबुल मैटर (objectionable matter) को प्रकाशित करे उस समय उन से जमानत ली जा सकती है। और उस पर भी इस क़ानून में कितना प्रतिबन्ध रखा है? एक कामपीटेंट आथोरिटी (competent authority) होगी। कोई हर एक आदमी नहीं कि जैसे कोई पुलिस का आदमी या पुलिस का सब इंसपैक्टर, आदि कुछ कार्रवाई कर सकता था और डिस्ट्रिक्ट मैजिस्ट्रेट (District Magistrate) जो कि एक एग्जीक्यूटिव अफ़सर (Executive officer) होता था, वह कार्रवाई कर सकता था, इस बिल में यह तमाम बातें हटा दी गई हैं। जो बुराइयां थीं वह निकाल दी गई हैं। डिस्ट्रिक्ट जज जैसे आदमी के सामने, जो कि एक इन्सान को मौत की सजा दे सकता है, उस के सामने एक दरख्वास्त पेश होगी, उस दरख्वास्त के पेश होने के बाद नोटिस जारी होगा; फिर उस नोटिस के जारी होने के बाद अगर वह चाहे तो जूरी के सामने उस की तहक़ीक़ात होगी। और इतनी तहक़ीक़ात होने के बाद डिस्ट्रिक्ट एंड सैशन्स जज (District and Sessions Judge) के लिये यह भी रखा है कि अगर वह आवश्यक समझे तभी जमानत लेगा। और फिर उसके बाद भी हाई कोर्ट में अपील रखी गई है। क्या समाचार-पत्रों के मेरे वह मित्र यह समझते हैं कि इतने सेफ़गार्ड (Safeguard) होने के बाद भी, इतनी सहूलियतें होने के बाद भी और इतने

अच्छे आदमी के हाथ में यह काम होने के बाद भी, उन को भय है कि कोई समाचारपत्र नहीं निकल सकेगा और सब पर वह लागू कर दिया जायगा । अगर वह समझते हैं कि इस का कोई गवर्नमेंट दुरुपयोग भी कर सकती है तो अगर उन को इस के दुरुपयोग होने का भय है तो हम पार्लियामेंट में आखिर किस लिये बैठे हैं ? हम ऐसी गवर्नमेंट को कब चलने देंगे। और क्या यह हमारा कर्त्तव्य नहीं है कि हम किसी गवर्नमेंट को इस का दुरुपयोग न करने दें ? ऐसी गवर्नमेंट नहीं चल सकती।

श्री गोयनका : चल रही है । अभी भी अन्याय होता है और वह चल रही है और आप उस में भाग लेते हैं।

श्री राघेलाल व्यास : मेरे ख्याल से आप किसी दूसरे चश्मे से देख रहे हैं और उस चश्मे में रंग लगा हुआ है और वह हरा ही हरा दिखाई देता है । यदि आप अपना चश्मा बदल देंगे तो शायद वह आप को नहीं दिखेगा और मेरा ऐसा ख्याल है कि इस का जवाब तो आप को कल कांग्रेस पार्टी की मीटिंग में मिल गया होगा कि कितने लोग आप के साथ हैं ।

श्री गोयनका : इसी लिये तो कह रहे हैं ।

श्री राघेलाल व्यास : वह तो जिन को कहना है कहते ही रहेंगे, उन को कौन रोक सकता है । लेकिन उन को देखना चाहिये कि जनता उन के साथ कितनी है और लोग कितना उन का साथ देते हैं ।

श्री गोयनका : देखेंगे ।

श्री राघेलाल व्यास : तो मैं, श्रीमान् से यही निवेदन कर रहा था कि समाचारपत्रों की उपयोगिता तो होनी चाहिये, और खास कर हमारे देश में जहां अशिक्षा बहुत ज्यादा है, जहां लोगों को सोचना समझना और एक दूसरे के प्रति व्यवहार करने का ढंग ठीक तरह से नहीं मालूम है, वहां तो जरूरत यह थी कि हम को ऐसा क़ानून लाना चाहिये कि अगर कोई समाचारपत्र निकालना चाहे और उस का एडिटर (editor) होना चाहे तो उस के लिये कोई क्वालिफ़िकेशन (qualification) नियत करनी चाहिये । जिस तरह इंजीनियर की भरती करते हैं तो क्वालीफ़िकेशन्स देखी जाती हैं, जिस तरह आप सिविल सर्विस (Civil Service) में किसी को लेते हैं तो उस को क्वालीफ़िकेशन्स के लिये आप देखते हैं और उस के लिये एक परीक्षा रखते हैं, लेकिन इतने महत्वपूर्ण महकमे के लोगों के लिये कि जिस का सारे राष्ट्र के जीवन-मरण से सम्बन्ध है, सारे समाज के उत्थान और पतन से जिस का सम्बन्ध है, उस को बिल्कुल स्वच्छन्द छोड़ रखा है और उस पर ज्यादा ध्यान नहीं देते हैं। इस के लिये गवर्नमेंट को जल्दी ही क़ानून बनाना चाहिये । आज इस के लिये कोई क्वालिफ़िकेशन नहीं है । एक दो पैसे की पान बीड़ी की दूकान जो कल तक लगाता था वह भी आज डिक्लेरेशन दे कर एक अखबार निकाल सकता है । ऐसा नहीं होना चाहिये । समाचारपत्रों को स्वतन्त्रता हो तो वह योग्य, शिक्षित और अच्छे आदमियों के हाथों में हो, जिन्होंने इस के लिये परीक्षायें पास की हों । ऐसे ही लोगों के हाथ में यह होने चाहियें । ऐसा क़ानून जल्दी से जल्दी देश में बनाये जाने की जरूरत है ।

तो इस क़ानून के सम्बन्ध में जिस तरह से मैं ने कहा, वाक़ई में यह तो शासन के लिये मुबारकबाद की वस्तु है कि जल्दी से जल्दी उन्होंने इस क़ानून को हाउस के सामने रखा और जो खराबियां देश में फैली हुई हैं उन को

[श्री राधे लाल व्यास]

दूर करने की कोशिश की । लेकिन जहां मैं इस बिल के पक्ष में हूं, वहां एक बात की ओर शासन का ध्यान भी आकर्षित कर देना चाहता हूं । पिछले ज़माने में हम ने कई क़ानून बनाये हैं । हम ने एसेंशियल सप्लाईज़ ऐक्ट (Essential Supplies Act) बनाया और बड़ी से बड़ी सज़ायें उस में रखीं । लेकिन हम देखते हैं कि आज भी देश में चोर बाज़ारी वग़ैरह खूब ज़ोरों से हो रही हैं और उस क़ानून का जितना प्रयोग होना चाहिये था वह नहीं हो रहा है ।

बाबू रामनारायणसिंह : क्यों ?

श्री राधेलाल व्यास : शायद शासन का उस ओर इतना ध्यान नहीं हुआ, या इतनी फ़ुरसत नहीं हुई । इसलिये मैं निवेदन करूंगा कि इस ओर ध्यान देना चाहिये ।

श्री गोयनका : आप फिर यहां किस लिये हैं ? उस को चलाते नहीं ?

श्री राधे लाल व्यास : मैं बोल तो रहा हूं आप क्या सुन नहीं रहे हैं ? यही तो मैं अर्ज़ कर रहा हूं । आप ने तो यह बात नहीं कही थी ! तो इसी तरह इस क़ानून को बनाने की बात है । कहीं ऐसा न हो कि इस क़ानून का सही रूप में प्रयोग न हो । ऐसे अफ़सर होते हैं कि ऐसे क़ानून का प्रयोग बाज़ वक्त सही रूप में नहीं करते हैं । मुक़ामी अफ़सर उन अखबारों के खिलाफ़ ही जिन से वह विशेषतया नाराज़ हैं कभी कभी हमला करते हैं और घर पकड़ करते हैं । ऐसा नहीं होना चाहिये । जो भी अखबार हों, अगर ऐक्शन (action) लेना है तो बग़ैर रू रिआयत के उन पर ऐक्शन लेना चाहिये । ऐसा होता है कि एक राय के चन्द अखबार हैं जो शासन की तारीफ़ करते हैं, दूसरों को वह गालियां देते हैं, तो उन के लिये हम आंख मूंद कर बैठे रहते हैं । दूसरी तरफ़ जो अखबार शासन की कड़ी से कड़ी आलोचना करते हैं तो वह देखते रहते हैं कि कब अवसर मिले कि उन का गला दबोचें, तो यदि यह नीति रही तो इस से भी देश का बड़ा अहित होगा और देश का कल्याण नहीं हो सकता ।

अब मैं थोड़े से कुछ सुझाव भी माननीय मिनिस्टर महोदय के सामने और इस हाउस के सामने और सिलेक्ट कमेटी के सामने, जो इस बिल पर विचार करेगी, रखना चाहता हूं । मेरा पहला सुझाव तो यह है कि इस बिल के लिये जो सिलैक्ट कमेटी बनी है, ज्यादा अच्छा होगा कि उस में सम्मिलित होने के लिये दूसरे सदस्यों को भी अवसर दिया जाय, जैसे कि पीपुल्स रिप्रैज़ेंटेशन बिल ii (Peoplers' Representation Bill II) में जो भी उस में सम्मिलित होना चाहते थे उन को पूरा अवसर दिया गया था । इसी तरह से यह एक महत्वपूर्ण बिल है । इस में दूसरे लोगों को सम्मिलित होने के लिये भी पूरा अवसर दिया जाना चाहिये । आशा है कि माननीय मिनिस्टर भी इस में सहमत होंगे और मैं, श्रीमान्, आप से भी निवेदन करता हूं कि जिस तरह से कि माननीय स्पीकर ने उस बिल में यह विशेषता रखी थी उसी तरह इस के लिये भी आप स्वीकृति दें ।

इसी तरह सिलैक्ट कमेटी धारा ३ पर ज़रूर विचार करे । कुछ बातें इस में ऐसी हैं जिनका निकालना आवश्यक है, यानी उन में संशोधन होना आवश्यक है । खास तौर से धारा ३ की उपधारा सात, पांच और तीन में कुछ संशोधन होने की ज़रूरत है ।

जहां सिक्योरिटी (Security) ली जाने का प्राविधान (provision) है,

में समझता हूं कि सिक्योरिटी की कोई तादाद जरूर बतलाई जानी चाहिये, चार महीने की, छै महीने की, इस पर भी सिलैक्ट कमेटी विचार करे और कोई संशोधन इस के बारे में जरूर करे। कीपर आफ़ दी प्रेस पब्लिशर जिन से सिक्योरिटी मांगी गई है, और जिन्होंने सिक्योरिटी नहीं दी है, वह अगर फिर भी अखबार निकालते हैं, तो उन के विरुद्ध कार्यवाही की जा सकती है और जो ऐसे समाचारपत्र हों उन के लिये ऐसा प्राविजन भी हो कि उसका नोटिफ़िकेशन गजट में होना चाहिये। देहली में एक बाहर का आदमी आता है, उस को क्या पता है कि इस प्रेस के खिलाफ़ ऐसी आज्ञा दी गई है ? ऐसी सूरत में यह मालूम होना चाहिये नाटिफ़िकेशन के जरिये कि हमारे देश में कितने ऐसे प्रेस हैं, पब्लिशर हैं, जिन के विरुद्ध यह आज्ञा है।

एक बात हाई कोर्ट के लिमिटेशन्स (Limitations) की है और मैं समझता हूं कि उस में जो प्रतिबंध रखा गया है, वह उस हद तक नहीं रक्खा जाना चाहिये। धारा ४ और धारा ७ में यह बतलाया हुआ है कि डिस्ट्रिक्ट सैशन जज यदि एक बहुत आवजेक्शनेबुल मैटर को पाये कि : That there are sufficient grounds for demanding security from the keeper of the Press under this section. तो Sufficient grounds के आधार पर ही वह जमानत ले सकता है, केवल एक ही बात काफ़ी नहीं है। हाई कोर्ट की जो अपील रक्खी है, वह केवल इसी आधार पर रखी है कि कोई आवजेक्शनेबुल मैटर नहीं है। हाई कोर्ट में प्रार्थना करने का आधार यह भी होना चाहिये कि There are not sufficient grounds यह इस में बात जरूर है कि जिन ग्राउन्डस पर जो आज्ञा दी गई है, उन्हीं ग्राउन्डस पर अपील दोनों बार न हो सके, तो वह एक हाईकोर्ट की जो शक्ति है, उस पर थोड़ा सा प्रतिबंध लगाता है और वह प्रतिबंध उस में से हटाकर उन्हीं दोनों ग्राउन्ड् सके आधार पर अपील का प्राविजन किया जाना चाहिये।

इसी तरीक़े से एक धारा २६ है, उस में जो जुर्माना का प्राविजन रक्खा है, तो जुर्माने की कोई तादाद ही नहीं बतलाई है, जबकि धारा २५ में जुर्माने की तादाद बतलाई गई है, इसलिये धारा २६ में कितनी हद तक जुर्माना हो सकेगा, वह रखना चाहिये। इसी तरह से हाई कोर्ट के जो अधिकार हैं, उस में यह होना चाहिये कि जो आज्ञा नीचे की अदालत ने दी है, उस में कुछ संशोधन करने या मौडीफ़ाई (modify) करने का अधिकार हाई कोर्ट को मिलना चाहिये, ऐसा प्राविजन उस में होना चाहिये। मैं समझता हूं और आशा करता हूं कि मैं ने जो यह चन्द सुझाव दिये हैं, उन पर सिलैक्ट कमेटी विचार करेगी और आप देखेंगे कि अगर मेरे सुझाव वह स्वीकार कर लेगी, तो आज जो इतना विरोध इस बिल का हो रहा है, वह बहुत कम हो जायगा।

(English translation of the above speech)

Shri Radhelal Vyas (Madhya Bharat): Sir, I think that my friend Shri Inait Ullah has placed his points in favour of this Bill in a fairly nice manner. Although there is no need for me now to say anything more, yet, I think, there are some points which I should place before you.

The press and the newspapers are quite essential things for every country. The press mobilises public opinion, educates the masses and wipes out the current evils from the country. Therefore, it is the most essential thing. But we have to see that only four years have passed since our country achieved freedom. We ignore this thing while comparing our civil liberties and the freedom of the press

[Shri Radhelal Vyas]

with those of other countries. It is an accepted fact that our country at present is very much backward in education as compared to other countries and that even the educated class of this country has been given a stereotyped sort of education. In the time of British Imperialism little attention was paid to training in discipline, devotion to duty and tolerance and that is the reason why even after the attainment of freedom we see so many evils prevailing in the country. This is because the foreign Government never attended to that aspect of our education and our own Government too being involved in so many preoccupations could not take those matters into hand. So we should not forget that our country is in such a state. We see today that there are some very responsible papers in our country. It cannot be said that this legislation is meant for them. But I would like to ask if there are no such presses and newspapers in the country which publish the most scurrilous things and are spreading poison in the whole of our country and infecting the minds of our young people. If there are, should they not be prevented from doing so? Our friends took up Clause 3 and raised such a storm against it They said it was poison. I say if in a good hospital some poison is kept to cure diseases and a knife is provided for purposes of operation, can anybody oppose their presence by saying that the poison would destroy all and the knife would kill everybody. So, I think that this clause is a remedial clause. It is not meant for those newspapers which are healthy, whose mind is clean, who want to serve India and who want to guide public opinion towards the good. These press laws are not for them and they have never been used against them during these four years, and so long as these newspapers keep treading the right path there cannot arise any occasion to use these laws against them. But do we not need them for those who want to spread the poison, those who want to propagate the evil things? I think our Government have introduced this Bill with much trepidation and hesitancy for they know it would meet with stiff opposition in the form in which they were introducing it. There are some provisions in it which require to be amended. These provisions were possibly put because it was thought that this Bill would go to a Select Committee and some of them would have to be taken out and the whole measure would have to be toned down. I think, when this Bill comes up before the Select Committee the unnecessary or objectionable provisions would be deleted. But I would have liked the use of even greater strictness in some matters. I think there are several people in the country who file a declaration simply with a view to malign some other person. The declaration could be got very easily from the Government—and it should be so. Bad people finish off by writing a few articles against someone to satisfy an old grudge. They bring out an odd issue in a month or two and when their purpose is served they close down. Again they bring out an issue or so whenever they feel so inclined. Should there be no check on them? I say, does the liberty of the press mean licence? I think, the association of our newspapers has a great responsibility in this matter. But it does not raise its voice against these abuses. It has never proposed that those newspapers which publish dirty stuff and spread poison should be closed. Such newspapers injure the reputation of other newspapers as well. A rotten mango infests the whole lot. In the same way, bad newspapers bring a bad name to the others too. Therefore, it becomes the duty of good newspapers and their Editors' Conference to raise their voice against such newspapers and to make them close down. I want to put to them only one question. At a huge meeting recently held in Delhi our Prime Minister was called the biggest Communalist and a Communist. I want to know if any of these responsible newspapers wrote even a word against that. Such propaganda could be done in the country today. Do they agree with it? Can a man be a Communalist and a Communist at the same time? But, I think, the newspapers did not dare write even a single line against that. Nothing has appeared up till now. As far as the freedom of the newspapers is concerned they should have complete freedom. But it is understood that it should not be abused. It should not degenerate into licence and when it does so degenerate it becomes the duty of every citizen to raise his voice against it and to try to eradicate the evil.

One of my friends has said that when we go abroad to the United States and other countries, the people of those countries say to us, "The same kind of laws that were bitterly opposed when they were enacted in the time of the British are being enacted in your country now". What answer should we give them? My friend has said that he kept silent and

did not know what answer to give. I think, he could have given a very nice answer to that. He could have said that he knew to what extent the newspapers in his country enjoyed freedom and to what extent the people in his country enjoyed the civil liberties. He should have asked the Americans how was it that they raised such a loud voice against India, but did not say anything against Dr. Malan who was engaged in such vicious activities. He should have asked them if it was not a fact that they had placed a ban on the speeches of a saintly person like Shri Kumarappa, who had spent the whole of his life in following the Gandhian way of life, who was quite a harmless person and a very learned man, when he visited America. Is this the type of American civil liberties? He should have asked this question and told them to answer it before putting him the question whether or not there were any civil liberties in India. But he says he had no answer to give.

Shri Kamath: It was not banned but objected to.

Shri Radhelal Vyas: He could not make a speech thereafter and as far as my knowledge goes ban was also imposed.

Shri Goenka: No, Sir.

Shri Radhelal Vyas: The ban was imposed. All these things appeared in the newspapers. He could not attend that Conference. So this is the state of affairs as far as civil liberties are concerned. I think our Government has brought in a very minor provision in this Bill. There is nothing to get alarmed about. This Bill simply provides that in the case of the publication of any objectionable matter the keeper of the Press and the publisher of the newspaper or news-sheet would, in certain circumstances, be called upon to furnish security. And, even in that case, a number of conditions have been laid down. There would be a competent authority. Not that any ordinary person, such as a policeman or a police Sub-Inspector or even a District Magistrate, who is an executive officer, could take any action as used to be the case formerly. There are no such provisions in this Bill. Whatever shortcomings were there have been set right. An application shall be filed before an officer of the status of a District Judge—an officer who can award death sentence to a man. After the application has been filed a notice shall be issued. After the issuing of the notice the respondent, if he so desires, shall be entitled to have an inquiry held in the presence of a jury. Even after such inquiry it has been left to the discretion of the District and Sessions Judge that he might demand a security only if he finds that necessary. Even after that an appeal could be made to the High Court. Do my friends of the Press apprehend that in spite of all these safeguards, all these facilities and the fact that this function is entrusted to such proper authority, it will not be possible for any newspaper to be published and that this law would be used indiscriminately? If they think that the Government can abuse it in any way and if they have got any apprehensions of its being abused what are we sitting here for? How could we allow such a Government to function? And, is it not our duty not to allow any Government to abuse it? Such a Government cannot function.

Shri Goenka: It is functioning already. Injustice is being done even now, yet it is functioning and you are supporting it.

Shri Radhelal Vyas: I think you are looking through different glasses, which are coloured ones and through which everything looks green. If you were to change your glasses you might not see it like that. I think you might have got an answer to this yesterday in the Congress Party meeting for you must have seen how many people were with you.

Shri Goenka: That is why I am saying this.

Shri Radhelal Vyas: Those who have the habit to say like that would go on saying it, for who can stop them? But they should see how many people are with them and how much the people agree with them.

Shri Goenka: We shall see.

Shri Radhelal Vyas: So I was saying that the usefulness of the newspapers must be maintained, especially in a country like ours where there is so much of illiteracy and where the people do not know properly how to think, understand and behave. We might even have brought forward legislation to the effect that if anyone wishes to start a newspaper he should have for editor a person with certain

[Shri Radhelal Vyas]

defined qualifications. For instance, if an engineer is to be employed his qualifications are looked into. Similarly, when you take a man in the civil service you verify his qualifications and set a test for that purpose. On the other hand, the question of recruitment of personnel for such an important profession, which has a bearing on the very life and death of the whole nation, on the progress or degeneration of the society, has been left alone with no check, no attention being paid thereto. The Government should make a law for it as early as possible. There is no qualification fixed for that purpose at present. Even a man of small resources, who might have been a betel-seller till yesterday, could file a declaration any day and bring out a newspaper. This should not be allowed. If there is to be freedom for the newspapers, they should be in the hands of able, qualified and worthy persons, who should have passed certain examinations to that end. They should be in the hands of such people alone. Such a law is urgently called for.

As I have said the Government really deserves to be congratulated for having brought this Bill before the House so speedily and tried to eradicate the evils at present prevailing in the country. But, while I am in favour of this Bill, I do wish to draw the attention of the Government to one thing. We have passed several laws in the past. We have enacted the Essential Supplies Act and provided severe punishments therein. But we see that the black market is flourishing to a great extent even today and that the law has not been used to the desirable extent.

Babu Ramnarayan Singh: Why so?

Shri Radhelal Vyas: Perhaps the Government could not pay enough attention to that or that it did not have enough time to do so. Hence, I would submit that attention should be paid to it.

Shri Goenka: What are you here for then? Why don't you move them?

Shri Radhelal Vyas: That is what I am saying. Can't you hear? That is exactly what I am submitting. You did not mention this thing. The same consideration applies here too. We fear lest it should not be used in a proper manner. There are some officers who may not use this law at certain times in a proper manner. Local officials sometimes raid the offices of such Papers only with which they are particularly displeased and make arrests. This should not be allowed. Whichever paper it might be if the action is to be taken at all, it should be done without fear or favour. It so happens that there are some newspapers having one kind of opinion, which praise the Government and abuse others, and in their case we shut our eyes. On the other hand, there are some newspapers which criticize the Government bitterly and they are always on the lookout for a chance to pounce upon them. If this policy is pursued, it would do a great deal of harm to the interests of the country. It cannot do any good

Now I want to place some suggestions before the hon. Minister, the House and the Select Committee which is going to consider this Bill. My first suggestion is that it would be better if other hon. members are also given a chance to serve on the Select Committee which has been formed for this Bill, as was done in the case of the Peoples' Representation Bill II in which those hon. members who wanted to serve on the Select Committee were given every chance to do so. This is an equally important Bill. Other persons should also get every chance to associate themselves with its passage. I hope, the hon. Minister would agree to this matter and I would request you, Sir, that just as the hon. Speaker permitted this thing specially in the case of that Bill it should also be permitted in this case.

The Select Committee must also consider clause 3. There are some points in it which require to be deleted, that is to be amended. Subclauses vii, v and iii of Clause 3 particularly need to be amended. In the case of the provision relating to the demand for security, I think, some time limit for the security must be prescribed, say four months or six months. The Select Committee should also consider this aspect of the Bill and suggest some amendments in that connection.

If the Keeper of the Press and the publisher, who have been called upon to furnish security, but have failed to do so still persist in publishing the newspaper, action could be taken against them. A notification should also be published regarding such newspapers in the Gazette. A visitor coming to Delhi from outside is not expected to know that such an order has been issued against a certain press. Hence, it should be made known through a notification as to against

which of the Presses and newspapers in the country have such orders been issued.

Then there is the question relating to the limitations placed on the jurisdiction of High Courts. I think, the condition laid down therein should not have been so restrictive. Clauses 4 and 7 lay down that if the District and Sessions Judge finds that a newspaper contains very objectionable matter and that there are sufficient grounds for demanding security from the keeper of the Press under this Section, then on the basis of sufficient grounds alone he can demand a security. The exercise of his authority is not restricted to any one ground only. The appeal to the High Court is competent only on the ground that the matter in question is not objectionable. It should also be provided that an appeal to the High Court would lie also on the ground that there are no sufficient grounds. It is of course provided that a second appeal would not lie on the same grounds which formed the basis of the order. This would put a limitation upon the powers of the High Court which should be removed and a provision should be made for appeal on the basis of both these grounds.

Similarly, there is Clause 26 which provides for the penalty, but the amount of the fine is not stated, which is done in the case of Clause 25. The upper limit of the fine should, therefore, be provided in Clause 26. In the same way a provision should be made with regard to the powers of the High Court, so that it could make some modifications or alterations in the orders passed by the lower court. Such a provision should be made. I hope, the Select Committee would consider the few suggestions that I have made. If my suggestions are accepted, you will see that the opposition now being shown against this Bill would lessen to a great extent.

पंडित ठाकुर दास भार्गव : श्री मान्, मैं आप का बड़ा मशकूर हूं कि आपने मुझे मौक़ा दिया और इस क़ाबिल कर दिया कि मैं हाउस का पोज़ीशन (possession) अज्यूम (assume) कर लूं। मैंने इस बिल के बारे में बहुत सी बातें सुनी हैं, और बहुत सारी बहस सुनी है, वह बहस कई नुक्ते ख्याल से की गई है, लेकिन मैं अर्ज़ करना चाहता हूं कि जिस नुक्ते ख्याल से मैं इस बिल को देखना चाहता हूं और इस के मुताल्लिक़ बहस करना चाहता हूं, वह बिल्कुल मुख्तलिफ़ है। मैं यह अर्ज़ करना चाहता हूं कि यह जो बिल हमारे सामने आया है, यह ख़ास हालात में आया है, और ऐसे हालात में आया है कि जिन को इसका वज़न करते वक्त हम दरगुज़र नहीं कर सकते और अगर हम इस बिल को उस बैकग्राउन्ड (background) में नहीं देखते तो हम ठीक तौर से यह अन्दाज़ा नहीं लगा सकते कि यह ठीक तौर पर आया है या नहीं।

[**Pandit Thakur Das Bhargava:** Sir, I am much thankful to you to have given me an opportunity and enabling me to assume possession of the House. I have listened to many views and much discussion on this Bill. That was a discussion from different points of view. But I would like to submit that the viewpoint from which I want to consider and discuss this Bill is totally different. My submission is that the present Bill has come under special circumstances—circumstances which we cannot ignore while considering the measure. If we do not consider the Bill in that background, we cannot adjudge whether it is proper or not.]

Mr. Chairman: The hon. Member is likely to take some time. The House, therefore, stands adjourned to 8-30 A.M. on Friday the 14th September.

The House then adjourned till Half Past Eight of the Clock on Friday the 14th September, 1951.